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Coming into force of Acts

Gouvernement du Québec

O.C. 744-2006, 16 August 2006

An Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40)

WHEREAS the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40) was assented to on 13 December 2005;

WHEREAS section 49 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government, except sections 11 and 48, which come into force on 13 December 2005;

WHEREAS, under Order in Council 225-2006 dated 29 March 2006, sections 1, 2 and 19, paragraph 1 of section 22, paragraph 2 of section 27 and sections 30 and 33 to 37 of the Act came into force on 12 April 2006;

WHEREAS it is expedient to set 30 August 2006 as the date of coming into force of sections 3 to 7, 12, 13, 18, 21, section 25 to the extent that it enacts the title of Division III.1 and section 70.3 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01), and sections 26, 29, 32, 39 to 41, 46 and 47 of the Act;

WHEREAS it is expedient to set 1 January 2007 as the date of coming into force of section 14 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT sections 3 to 7, 12, 13, 18, 21, section 25 to the extent that it enacts the title of Division III.1 and section 70.3 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01), and sections 26, 29, 32, 39 to 41, 46 and 47 of the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40) come into force on 30 August 2006;

THAT section 14 of the Act come into force on 1 January 2007.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

7773

Regulations and other acts

Gouvernement du Québec

O.C. 740-2006, 16 August 2006

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1)

Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic

— Implementation of the provisions relating to industrial accidents and occupational diseases — Approval

Approval of the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic

WHEREAS the Government of Québec and the Government of the French Republic signed an Agreement on Social Security on 17 December 2003;

WHEREAS the National Assembly approved that agreement on 20 April 2004;

WHEREAS the Commission de la santé et de la sécurité du travail must, by regulation, to make the provisions of the Agreement respecting industrial accidents and occupational diseases effective, take the measures necessary for their application, in accordance with section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic was published in Part 2 of the *Gazette officielle du Québec* of 21 December 2005, with a notice that it could be made by the Commission de la santé et de la sécurité du travail, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS no comments have been received by the Commission;

WHEREAS, at its sitting of 20 April 2006, the Commission de la santé et de la sécurité du travail made the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, with an amendment as regards the date of coming into force;

WHEREAS the Regulation must receive the approval of the Government under section 224 of the Act respecting occupational health and safety;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1, ss. 170 and 223, 1st par., subpar. 39)

1. Benefits under the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and the regulations thereunder shall be extended to all persons referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, signed on 17 December 2003, and appearing as Schedule 1.

2. The benefits shall apply in the manner prescribed in the Agreement and in the Administrative Arrangement appearing as Schedule 2.

3. This Regulation replaces the Regulation respecting the application of the provisions relating to work accidents and occupational illnesses contained in the Entente entre le Gouvernement du Québec et le Gouvernement de la République française en matière de sécurité sociale, (R.R.Q., 1981, c. S-2.1, r.12), the Regulation respecting the implementation of the provisions relative to industrial accidents and occupational diseases contained in the Avenant à l'Entente en matière de sécurité sociale entre le Gouvernement du Québec et le Gouvernement de la République française and in the administrative arrangement pertaining thereto approved by Order in Council 1052-89 dated 28 June 1989, and the Regulation respecting the implementation of the provisions relative to industrial accidents and occupational diseases contained in the Avenant n° 2 à l'Entente entre le gouvernement du Québec et le gouvernement de la République française en matière de sécurité sociale approved by Order in Council 531-2002 dated 1 May 2002.

4. This Regulation comes into force on 1 November 2006.

SCHEDULE 1

(s. 1)

AGREEMENT ON SOCIAL SECURITY

BETWEEN

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FRENCH REPUBLIC

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FRENCH REPUBLIC,

TAKING NOTE of the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic signed on 12 February 1979, Avenant N° 1 to the Agreement signed on 5 September 1984 and Avenant N° 2 signed on 19 December 1998;

CONSIDERING the changes made to their respective statutes;

RESOLVED to preserve the mobility of persons between France and Québec by guaranteeing 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,

(a) “France” means the European and overseas departments of the French Republic;

(b) “competent authority” means the Québec minister or the French minister responsible for the administration of the statutes referred to in Article 2;

(c) “competent institution” means the Québec department or body or the French social security agency responsible for the administration of the statutes referred to in Article 2;

(d) “statutes” means laws, regulations and any other application measures relating to the social security branches and plans referred to in Article 2;

(e) “unpaid activity” means as regards Québec, an activity that consists in doing business on one’s own account or similar work under the statutes of Québec; as regards France, an activity that justifies coverage by an unpaid worker plan;

(f) “period of insurance” means,

— as regards Québec,

for the purposes of Chapters 1, 2 and 4 of Title III, 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;

— as regards France,

any period recognized as such by the statutes under which it was completed and any period considered as equivalent to a period of insurance;

(g) “insured person” for the purposes of Chapter 3 of Title III means,

— as regards Québec,

a person who, immediately before the person's arrival in France, was a person residing in Québec within the meaning of the Health Insurance Act,

— as regards France,

a person who, immediately before the person's arrival in Québec, was an insured person or claimant of an insured person under a French maternity health plan or received benefits under the universal health coverage;

(h) "benefit" means any benefit in kind or in cash provided under the statutes of each Party, including any supplement or increase applicable under the statutes referred to in Article 2;

(i) "pension" means any pension, annuity or lump sum, including any supplement or increase applicable under the statutes referred to in Article 2;

(j) "dependents" means the spouse and dependents according to Québec statutes or the persons deriving rights from an insured person according to French statutes;

(k) "reside" means for the purposes of paragraph 2 of Article 12 and Chapters 3 and 5 of Title III, to ordinarily live in the territory of a Party with the intent to establish or maintain therein a domicile and to have been legally authorized to do so;

(l) "stay" means to be temporarily in the territory of a Party without intending to live therein permanently;

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

ARTICLE 2 MATERIAL SCOPE

1. The Agreement shall apply

A. as regards Québec,

to the statutes respecting the Pension Plan, family benefits, industrial accidents and occupational diseases, the health insurance plan, hospital insurance plan and other health services and, when specified, the general prescription drug insurance plan;

B. as regards France,

(a) to the statutes establishing the organization of social security;

(b) to the statutes respecting social insurance applicable to

- salaried workers in non-agricultural occupations,
- salaried workers in agricultural occupations;

(c) to the social statutes applicable to

- unsalaried workers in non-agricultural occupations, except occupations concerning supplemental old age insurance plans,
- unsalaried workers in agricultural occupations,

except the provisions which extend the right to become a member of a voluntary insurance plan to persons working or residing outside the French territory;

(d) to statutes relating to voluntary old age and continued disability insurance;

(e) to statutes respecting the prevention of and compensation for industrial accidents and occupational diseases and to statutes concerning voluntary insurance for industrial accidents and occupational diseases;

(f) to statutes relating to family benefits;

(g) to statutes relating to the various plans for unsalaried and equivalent workers;

(h) to statutes relating to special social security plans.

2. The Agreement shall apply to any Act or regulation which amends, adds to or replaces the statutes referred to in paragraph 1.

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

The Agreement shall not apply to an Act or regulation covering a new branch of social security, unless the Agreement is amended to that effect.

ARTICLE 3 PERSONAL SCOPE

1. Unless otherwise provided, the Agreement shall apply

(a) to the persons who, regardless of their nationality, perform a salaried or unsalaried activity and who are subject to the statutes referred to in Article 2 or who have acquired rights under those statutes, as well as to their dependents;

(b) to the public servants of the Gouvernement du Québec and the public servants of the French administration and to their dependents;

(c) to other insured persons, regardless of their nationality, only for the purposes of Chapter 3 of Title III;

(d) to the voluntary insured persons, regardless of their nationality, for old age and industrial accident and occupational disease risks.

2. The Agreement shall not apply to the categories of persons referred to in the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic, except the categories for which explicit reference in the said Memorandum is made to this Agreement.

ARTICLE 4 EQUAL TREATMENT

The persons referred to in paragraph 1 of Article 3 of this Agreement shall receive the same treatment for the purposes of the statutes referred to in Article 2, as soon as the persons legally reside in the territory of either Party.

ARTICLE 5 EXPORT OF BENEFITS

Every old age, survivors or disability pension, death benefit or benefit in kind or industrial accident or occupational disease benefit acquired under the statutes of one Party, with or without applying the Agreement, shall not be subject to any reduction, modification, suspension, suppression or forfeiture for the sole reason that the beneficiary resides or stays outside the territory of the Party in which the debtor institution is located; the pension or benefit shall be payable to the beneficiary regardless of the place where the beneficiary stays or resides.

TITLE II APPLICABLE STATUTES

ARTICLE 6 GENERAL RULE

Subject to Articles 7, 8, 9, 10, 11, 12 and 13, persons performing a salaried or unsalaried activity in the territory of one Party shall be subject to the statutes of that Party.

ARTICLE 7 PERSONS PERFORMING AN UNSALARIED ACTIVITY IN THE TERRITORY OF ONE PARTY AND TRAVELLING TEMPORARILY TO THE TERRITORY OF THE OTHER PARTY

1. Persons performing an unsalaried activity in the territory of one Party and performing services on their account in the territory of the other Party may remain subject to the statutes of the first Party provided that the activity does not exceed one year and is directly related to the activity the person ordinarily performs.

2. Persons ordinarily performing an activity considered to be unsalaried in the territory of one Party and performing for less than 3 months the same activity considered to be salaried in the territory of the other Party may remain subject, for that period, to the statutes of the first Party.

ARTICLE 8 SECONDMENT

1. A salaried person performing work for his or her employer in the territory of the other Party may remain subject to the statutes of the Party where the activity is ordinarily performed so long as the proposed work period does not exceed 36 months and the person is not sent to replace another person who has reached the end of the secondment.

2. If the period of the work to be performed for the same employer extends beyond the proposed initial period and exceeds 36 months, the statutes of the first Party shall remain applicable for a period proposed by common agreement by the competent authorities of both Parties or the bodies they have designated to that effect.

3. A salaried person who has been seconded by his or her employer for the terms provided for in paragraphs 1 and 2 may be given a new secondment only after a period of one year has elapsed.

ARTICLE 9 DUAL STATUS

1. A person simultaneously performing in the same calendar year a salaried activity in the territory of one Party and an unsalaried activity in the territory of the other Party or performing in the same calendar year an unsalaried activity in the territory of both Parties shall be simultaneously subject to the statutes of both Parties.

2. Notwithstanding paragraph 1, a person who ordinarily performs a salaried activity in the territory of one Party and who, for a period of less than three months, performs an unsalaried activity in the territory of the other Party shall be exempt from paying contributions or fees for that activity under the statutes of the other Party. The exemption of contributions or fees shall exclude the person from the coverage of the applicable plan of that Party.

ARTICLE 10 TRAVELLING PERSONNEL EMPLOYED IN INTERNATIONAL TRANSPORT

1. Persons working in the territory of both Parties as travelling personnel for an international carrier which, on the account of a third party or on its own account, transports passengers or goods, 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.

3. Notwithstanding paragraphs 1 and 2, if employees work for the most part in the territory of the Party in which they reside, they shall, with respect to such work, be subject only to the statutes of that Party even if the carrier employing them has no head office, branch or permanent agency in that territory.

ARTICLE 11 SEAMEN

1. Persons working on a ship shall be subject to the statutes of the State under whose flag the ship sails.

2. Persons employed for loading, unloading and repairing ships or employed in supervisory services in a port shall be subject to the statutes of the Party in which the port is located.

ARTICLE 12 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 of the place of residence.

ARTICLE 13 DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent authorities of the Parties or the bodies designated to that effect may, by common agreement, derogate from the provisions of Articles 6 to 12 with respect to any persons or categories of persons.

TITLE III PENSIONS AND BENEFITS

CHAPTER 1 OLD AGE AND SURVIVORS PENSIONS

ARTICLE 14 PENSIONS

This Chapter shall apply,

— as regards Québec,

to retirement and survivors' pensions, including death benefits, provided for in the Act respecting the Québec Pension Plan;

— as regards France,

to old age and survivors' pensions provided for in the statutes referred to in paragraph 1.B. of Article 2.

ARTICLE 15 PENSION CLAIM

The date of receipt of a pension claim under the statutes of one Party is presumed to be the date of receipt of the claim under the statutes of the other Party, except if the person concerned expressly requests that the payment of benefits acquired under the statutes of the other Party be suspended.

ARTICLE 16 TOTALIZATION OF INSURANCE PERIODS

1. If the statutes of one Party subordinates the acquisition, maintenance or recovery of the right to pensions under a plan that is not a special plan within the meaning of paragraph 2 or 3, on completion of periods of insurance, the competent institution of that Party shall totalize, to the extent necessary, the periods of insurance com-

pleted under the statutes of the other Party, whether the periods completed were in a general or special plan, as if the periods completed were under the statutes applied by the Party, the overlapping periods being counted only once.

For the purposes of such a totalization, only the periods completed from 1 January 1966 shall be considered.

2. If the statutes of one Party include special plans that subordinate the granting of certain pensions provided that the periods of insurance have been completed in a determined occupation or employment, the periods completed under the statutes of the other Party shall be taken into account, for the granting of the pensions, only if they have been completed in the same occupation or employment.

3. The provisions of paragraph 2 shall not apply, as regards the special plans of France, to special retirement plans for civil and military officers of the State, territorial and hospital officers and workers in industrial establishments of the State.

4. If, considering the totalization provided for in paragraph 2 or the periods completed in plans referred to in paragraph 3, the person concerned does not meet the requirements for entitlement set out in the special plan, the periods of insurance completed in the special plan shall be taken into account in the conditions set out in the statutes of the Party where the special plan applies.

ARTICLE 17

MINIMUM DURATION OF INSURANCE

1. If the total duration of the periods of insurance completed by a person under the statutes of a Party is less than one year, the competent institution of that Party shall not be required to have recourse to the totalization in Article 16 to grant a pension. If, however, those periods are enough for entitlement to a pension under those statutes, the pension shall be paid only on that basis.

2. The periods referred to in paragraph 1 may, however, be taken into account for conferring and calculating the rights to a pension with regard to the statutes of the other Party.

ARTICLE 18

CALCULATION OF THE PENSION

1. If persons who have been successively or alternately subject to the statutes of each Party meet the requirements for entitlement to pension benefits, for themselves or for their dependents or survivors, under the statutes of either Party, the competent institution of

that Party shall determine the amount of the pension in accordance with the provisions of the statutes it applies having regard only to the periods of insurance completed under those statutes and, in accordance with paragraphs 2 and 3, using the best solution for the beneficiary.

2. If the persons do not meet the requirements of the statutes of a Party without having recourse to the totalization referred to in Article 16, or to determine the best solution in accordance with paragraph 1,

(a) the competent institution of Québec shall recognize one year of contribution if the competent institution of France certifies that a period of insurance of at least 78 days, 13 weeks, 3 months or a quarter in a calendar year has been credited under the French statutes;

(b) the competent institution of France shall consider each year of insurance certified by the competent institution of Québec as equivalent to four quarters, 12 months, 52 weeks or 312 days of insurance with regard to the statutes it applies.

3. Considering the totalization provided for in paragraph 2, the competent institution shall determine, in accordance with its own statutes, whether the person concerned fulfills the requirements to be entitled to a pension under those statutes.

4. When entitlement to a pension is established with regard to the statutes it applies, considering the above totalization,

(a) the competent institution of Québec shall determine the amount of the portion of the pension related to earnings by calculating the amount in accordance with the provisions of the statutes of Québec and shall add to it the amount of the flat-rate benefit multiplied by the fraction that the contributory period to the Québec Pension Plan is of the contributory period as defined in the statutes relating to that plan;

(b) the competent institution of France shall determine the benefit that would be payable to the insured person as if all the periods of insurance or equivalent periods had been completed exclusively in respect of the statutes of France, then shall reduce the amount of the benefit in proportion to the duration of the periods of insurance and equivalent periods completed in respect of the statutes it applies, before the occurrence of the event insured against, with relation to the total duration of the periods completed, in respect of the statutes of both Parties, before the occurrence of the event insured against. The maximum total duration shall be the maximum duration eventually required by the statutes it applies for a complete pension.

ARTICLE 19
DEATH BENEFIT IN THE QUÉBEC PLAN

The provisions of Articles 15, 16, 17 and 18 apply, by analogy, to the death benefit provided for in the Québec Pension Plan.

CHAPTER 2
DISABILITY PENSIONS**ARTICLE 20**
BENEFITS

This Chapter shall apply

— as regards Québec,

to the disability pensions and disabled contributor's child's pensions provided for in the Act respecting the Québec Pension Plan;

— as regards France,

to the disability pensions provided for in the statutes referred to in paragraph 1.B. of Article 2.

ARTICLE 21
DETERMINATION OF ENTITLEMENT

1. The disability pension shall be paid in accordance with the statutes to which the person concerned is subject at the time of the disability taking into account, when the statutes so require, the periods of insurance completed in the territory of the other Party. The conversion rules applicable to the periods of insurance shall be the rules retained in paragraph 2 of Article 18.

2. Subject to the provisions of paragraph 7, when entitlement is established under the statutes referred to in paragraph 1, with or without recourse to the totalization provided for in Article 16, the competent institution for the purposes of the statutes shall determine the amount of the pension as if the periods of insurance completed under the statutes of each Party had been completed only under the statutes it applies.

For the calculation of the pension,

— where the competent institution is the Québec institution, it shall allocate the average pensionable earnings for the Québec period of insurance to each year of the French period of insurance commencing in 1966;

— where the competent institution is the French institution, it shall calculate on the basis of the annual average salary or income corresponding to the periods of insurance completed with respect to its statutes.

3. The payment of the pension is ensured by the competent institution, in accordance with the requirements of the statutes it applies.

4. Subject to the provisions of paragraph 7, the institution paying the pension shall apportion the costs of the pension between the institutions of both Parties in the proportion that the periods of old age insurance completed under the statutes of each Party are of the aggregate of the periods of insurance applied, as soon as the person concerned does not receive old age pension under the statutes of France.

5. If the pension is refused by the institution applying the statutes to which the person concerned is subject at the time of disability for a reason other than age, the institution shall send the claim to the institution of the other Party for examination.

6. The latter institution shall determine entitlement to the pension considering the totalization of the periods of insurance, including the last periods completed under the statutes that refused the pension. If entitlement is established, the institution shall then ensure the payment and apportion the costs in accordance with paragraph 4.

7. Where the person concerned receives an old age pension under the French statutes, the apportionment of the costs shall cease or shall not be applied. If entitlement to a Québec disability pension is established, with or without recourse to totalization, the pension is calculated or revised, as applicable, by applying the provisions of Article 18, as of the date of disability, with indexation of the amount in the case of a revision.

8. The provisions of paragraphs 1 to 7 of this Article do not apply to the special plans of France for civil and military officers, territorial and hospital officers and workers in industrial establishments of the State.

ARTICLE 22
SUSPENSION OR TERMINATION OF PENSION

1. Where the costs of a disability pension is apportioned in accordance with paragraph 4 of Article 21, the institution ensuring the payment shall notify the institution of the other Party of the suspension or termination, as applicable, of the pension.

2. If, after suspension of the disability pension, the insured person regains entitlement, the pension shall be paid by the institution that is the debtor of the pension originally granted, in accordance with the provisions of paragraph 4 of Article 21.

CHAPTER 3 HEALTH AND MATERNITY BENEFITS

ARTICLE 23 ENTITLEMENT TO BENEFITS IN KIND

1. For entitlement to, maintenance or recovery of health and maternity insurance benefits in kind when passing from the statutes of one Party to the statutes of the other Party, the periods of insurance completed under the statutes of the first Party shall be considered to be periods of insurance completed under the statutes of the other Party, provided that they do not overlap.

2. For the purposes of paragraph 1, “periods of insurance” means,

(a) in Québec, any period of eligibility for health insurance;

(b) in France, any period of affiliation

— owing to a professional activity, an equivalent period or a period of compensated unemployment;

— owing to the pursuit of studies, the collection of a pension or a benefit entitling to health care; or

— alternatively, acquired under the condition of residence;

or any period during which a person had the status of dependent.

3. The benefits under the requirements provided for in this chapter are granted only on presentation of the required documents, specified in the Administrative Arrangement.

ARTICLE 24 PASSING FROM THE STATUTES OF ONE PARTY TO THE STATUTES OF THE OTHER PARTY

1. The insured person of one Party, other than a person referred to in Article 7, Article 8, paragraphs 1 and 2 of Article 10, Article 11, paragraph 1 of Article 12, or Article 13, who leaves the territory of that Party and stays in the territory of the other Party to carry on a salaried or unsalaried activity, shall receive benefits in kind under the conditions set out in the statutes that apply in the territory of the latter Party, and having regard to the provisions of Article 23, during the entire period of the salaried or unsalaried activity in the territory, regardless of the expected duration of the activity.

2. The insured person who leaves the territory of one Party to reside in the territory of the other Party, shall receive benefits in kind provided for in the statutes that

apply in the territory of the second Party, having regard to the provisions of Article 23, as of the day of arrival in that territory, under the other conditions set out in the statutes.

3. The same provisions shall apply to the dependents accompanying or joining the insured person referred to in paragraphs 1 and 2, to the extent that, before their departure, they are entitled to benefits in the territory of the Party they are leaving.

ARTICLE 25 STAY OF THE INSURED PERSON IN THE TERRITORY OF THE ORIGINAL PARTY

1. Canadian nationals insured in France who resided in Québec before their departure for France and who did not obtain French citizenship or French nationals insured in Québec who did not obtain Canadian citizenship and their dependents shall receive health and maternity insurance benefits in kind if they require immediate health care, including hospitalization, during a temporary stay in Québec or France respectively.

2. The institution of the place of stay shall pay the benefits, according to the statutes it applies, on behalf of the competent institution, provided that the latter has certified entitlement to benefits in kind.

3. The certificate, which is equivalent to an authorization, shall be valid for not more than three months. That period may be extended for another three months following a favourable opinion from the competent institution.

ARTICLE 26 TRANSFER OF THE PLACE OF STAY DURING TREATMENT OR COMPENSATION

1. A person insured by virtue of professional activity or a beneficiary of unemployment benefits or one of their dependents, if entitled to health or maternity insurance benefits provided by the competent French institution, shall retain the benefits when staying in Québec provided that the person has been so authorized by that institution.

An insured person residing in Québec whose pre-existing health condition, including pregnancy, requires a foreseeable medical follow-up, shall retain the health and maternity insurance benefits when staying in France provided that the person has been so authorized by the competent Québec institution.

2. The authorization may only be refused if it is established that the travel of the person concerned is such that it may compromise the person's health or the

application of the medical treatment, or that the travel is done to receive medical treatment. The authorization is valid for not more than three months. That period may be extended for another three months by the competent institution concerned.

In the case of an extremely serious disease, the competent institution may extend the benefits beyond the total period of six months referred to above.

3. The institution in the place of stay shall provide the benefits on behalf of the competent institution.

ARTICLE 27 BENEFITS IN KIND PROVIDED FOR IN THE FRENCH STATUTES

1. To examine entitlement to benefits in kind by virtue of health and maternity insurance, the competent French institution shall consider, under the requirements provided for in paragraph 1 of Article 23, the employment periods completed in Québec.

2. In the cases provided for in Articles 25 and 26, insured persons subject to the French statutes shall be entitled to health and maternity insurance benefits in kind. The benefits shall be provided directly and covered by the competent institution.

ARTICLE 28 PERSONS REFERRED TO IN ARTICLE 7, 8, 12 OR 13

1. Insured persons referred to in Article 7, Article 8, paragraph 1 of Article 12, or Article 13 and their dependents accompanying or joining them shall be entitled to benefits for the duration of the stay in the territory of the Party where they are carrying on their activity.

2. Benefits in kind shall be provided, on request from the person concerned, by the institution of the place of stay on behalf of the competent institution or directly by that institution. With respect to a stay in Québec, all persons referred to in paragraph 1 shall also be entitled to the guarantees of the prescription drug general insurance plan under the conditions set out in the Administrative Arrangement.

3. Benefits in kind shall be provided directly and covered by the competent institution.

ARTICLE 29 DEPENDENTS RESIDING IN THE TERRITORY OF THE OTHER PARTY

1. Dependents of an insured person who reside or return to reside in the territory of the Party other than the territory in which the insured person is located shall be entitled to health and maternity insurance benefits in kind.

2. The determination of the dependents as well as the scope, duration and terms and conditions of entitlement to the benefits shall result from the provisions of the statutes that apply in the territory of residence of the dependents.

ARTICLE 30 BENEFITS FOR THE HOLDERS OF A PENSION OR ANNUITY

The holders of a pension or an annuity shall be entitled to health and maternity insurance benefits in kind under the conditions set out in the statutes of the territory of the Party in which they reside, having regard to the provisions of paragraph 2 of Article 24.

CHAPTER 4 DEATH BENEFITS IN THE FRENCH PLAN

ARTICLE 31 DEATH OCCURRING IN QUÉBEC

1. Where a person subject to the French statutes dies in Québec, entitlement to death benefits shall be in accordance with French statutes, considering the provisions of Article 16, as if the death had occurred in France.

2. The competent French institution is required to grant death benefits under the statutes it applies even if the beneficiary resides in the territory of Québec.

ARTICLE 32 DEATH OCCURRING IN FRANCE

1. Where a person subject to the French statutes dies in France and the requirement of insurance duration set out in the French statutes is not fulfilled, the periods of insurance completed in Québec shall be used to complete the periods of insurance completed in France.

2. Where the person stays or resides in France without being subject to the French statutes, particularly in the situations referred to in Articles 25, 26 and 28, the death in France is deemed to have occurred in Québec.

CHAPTER 5
BENEFITS IN CASE OF INDUSTRIAL ACCIDENTS
OR OCCUPATIONAL DISEASES

ARTICLE 33
BENEFITS

This Chapter shall apply to all benefits relating to industrial accidents and occupational diseases provided for in the statutes of each Party.

ARTICLE 34
VICTIMS SUBJECT TO THE STATUTES OF THE
OTHER PARTY

1. Workers referred to in Articles 7 to 13 who remain subject to the statutes of one Party and are victims of an industrial accident or suffer from an occupational disease in the territory of the other Party shall be entitled to the benefits in the territory of stay.

2. For the purposes of paragraph 1, the institution in the place of stay must immediately contact the affiliated institution so that that institution may determine if the disease or accident comes under the statutes it applies.

3. If it is determined that the disease or accident comes under the affiliated statutes, the affiliated institution shall issue a service entitlement form whereby the institution in the place of stay, is to provide the benefits in kind arising from the disease or accident, on behalf of the affiliated institution. The benefits in kind shall be provided directly by the affiliated institution.

ARTICLE 35
TEMPORARY OR PERMANENT TRANSFER OF
RESIDENCE DURING A PERIOD OF TEMPORARY
INCAPACITY

1. Workers who are victims of an industrial accident or occupational disease in the territory of one of the Parties and who are entitled to the benefits owed during the temporary incapacity shall retain entitlement to the said benefits when they transfer their residence to the territory of the other Party, provided that prior to their departure the workers have obtained the authorization from the Québec or French institution to which they are affiliated.

2. The authorization shall be valid only for the period fixed by that institution.

3. If, on the expiry of the period fixed, the health of the victim so requires, the period shall be extended until the victim's recovery or until the effective consolidation by decision of the affiliated institution, following a favourable opinion of its medical examination service.

ARTICLE 36
RELAPSE AFTER TRANSFER OF RESIDENCE

1. If a worker who received benefits under the statutes of one Party suffers a relapse from the industrial accident or occupational disease when the worker has transferred his or her residence to the territory of the other Party, the worker shall be entitled, in that territory, to benefits arising from that relapse, provided that the worker has obtained the agreement of the institution to which the worker was affiliated on the date of the accident or the first report of the disease.

2. For the application of paragraph 1 by the affiliated Québec institution, the term "relapse" also includes recurrence and aggravation. Benefits in kind for an occupational disease shall be granted, if applicable, subject to the provisions of Article 43.

ARTICLE 37
BENEFITS IN KIND AFTER CONSOLIDATION

If the health of a worker who has been recognized as a victim of an industrial accident or occupational disease after the worker has transferred his or her residence to the territory of the other Party, requires benefits in kind after consolidation of the worker's condition, the worker shall be entitled to the benefits following agreement with the institution to which the worker was affiliated at the time of the accident or the first medical report of the disease.

ARTICLE 38
BENEFITS

In the cases provided for in Articles 35, 36 and 37, benefits in kind shall be provided by the institution in the territory of the new residence of the worker, in accordance with the provisions of the statutes applicable in the territory concerning the scope and terms and conditions of the provision of benefits. Benefits in kind shall be provided by the affiliated institution of the worker or, in the case of relapse, by the institution to which the worker was affiliated at the time of the accident or the first medical report of the disease, in accordance with the statutes it applies.

ARTICLE 39
BENEFIT COVERAGE

1. Benefits in kind provided in accordance with Articles 34 and 38 shall be covered by the competent institution for compensation of the worker's industrial accident or occupational disease.

2. The Administrative Arrangement shall fix the terms and conditions of reimbursement of the benefits by the competent institution within the meaning of paragraph 1 to the institution of the place of residence or stay of the worker.

ARTICLE 40 GRANTING OF LARGE BENEFITS

In the cases provided for in Articles 34 to 37, the granting of prostheses, large devices and other large benefits in kind shall be subject, except in a case of emergency, to the authorization of the worker's affiliated institution or the institution to which the worker was affiliated at the time of the accident or the first medical report of the disease.

ARTICLE 41 ASSESSMENT OF THE DEGREE OF INCAPACITY

To assess the degree of permanent incapacity resulting from an industrial accident or occupational disease with regard to the statutes of one Party, industrial accidents and occupational diseases that occurred previously under the statutes of the other Party shall be taken into account as if they had occurred under the statutes of the first Party.

ARTICLE 42 DOUBLE EXPOSURE TO THE SAME RISK

1. Where a victim of an occupational disease performed, in the territory of both Parties, work likely to cause the said disease, the rights of the victim or the rights of the victim's survivors shall be examined exclusively with respect to the statutes of the Party in whose territory the work concerned was last performed, and provided that the interested party meets the conditions set out in those statutes.

2. Where, in the said statutes, the granting of benefits is subject to the condition that the work likely to cause the disease have been performed for a certain period, the periods completed under the statutes of the other Party in the carrying on of an activity likely to cause the disease shall be taken into account, if necessary.

3. Where the statutes of one Party subject entitlement to occupational disease benefits to the condition that the disease be medically reported for the first time in its territory, that condition shall be deemed fulfilled when the disease has been reported for the first time in the territory of the other Party.

4. Benefits shall be provided by the competent institution in accordance with the rules of the statutes it applies.

5. In the case referred to in paragraph 2, benefits shall be covered by the institutions of each Party in the proportion that the duration of the periods of insured work likely to cause the said disease completed under their own statutes is of the aggregate of the periods of insured work during which the victim carried on a similar activity under the statutes of both Parties.

ARTICLE 43 AGGRAVATION OF A COMPENSATED OCCUPATIONAL DISEASE

In the case of the aggravation of an occupational disease compensated under the statutes of one Party while the victim resides in the territory of the other Party, the following rules shall apply :

(a) if the worker has not performed work under the statutes of the Party in whose territory the worker resides that is likely to aggravate that occupational disease, the institution of the first Party covers the aggravation of the disease under its own statutes ;

(b) if the worker has performed work under the statutes of the Party in whose territory the worker resides that is likely to aggravate that occupational disease,

i. the institution of the first Party continues to cover the benefit owed under its own statutes as if there had not been any aggravation of the disease ;

ii. the institution of the Party in whose territory the worker resides shall cover the benefit supplement corresponding to the aggravation. The amount of the supplement shall be determined according to the statutes of the latter Party as if the disease had occurred in its own territory ; the amount shall be equal to the difference between the amount of the benefit owed after the aggravation and the amount of the benefit that would have been owed before the aggravation.

CHAPTER 6 COMMON PROVISIONS TO VARIOUS PENSIONS OR BENEFITS

ARTICLE 44 CONSIDERATION OF DEPENDENTS

If, under the statutes of one Party the amount of the pension or benefit varies according to the number of dependents, the institution that pays the pension or benefit shall also take into account the dependents residing in the territory of the other Party, provided that residence is not an essential criterion under the applicable statutes for determining the status of dependent.

ARTICLE 45
DETERMINATION OF BASIC WAGE OR INCOME

When under the statutes of one Party the payment of pensions or benefits is based on average wage or income for all or part of the period of insurance, the average wage or income taken into consideration for the calculation of pensions or benefits covered by the institutions of that Party shall be determined pursuant to the statutes of the said Party, having regard only to the period of insurance completed under those statutes.

ARTICLE 46
CONSIDERATION OF THE PERIOD OF INSURANCE

Any contribution period completed under the French statutes prior to the date on which the contributor has reached 18 years of age may be taken into account to determine the eligibility of an applicant for a disability or survivors' pension or death benefit under the statutes of Québec. The application of that requirement cannot operate to permit the granting of a disability pension by Québec unless the contributory period of the contributor is at least two years under the Québec Pension Plan. No survivors' pension or death benefit may be granted by Québec unless the contributory period of the deceased contributor is at least three years under the Québec Pension Plan.

CHAPTER 7
FAMILY BENEFITS**ARTICLE 47**
GRANTING OF BENEFITS

1. Subject to Article 48, the persons covered by this Agreement shall receive family benefits for their dependent children accompanying them in the territory of one Party provided for by the statutes of that Party as soon as they arrive in the territory.

2. Where the insured persons are covered under the statutes of the Party other than the Party in whose territory one or more of their dependent children reside, family benefits shall be provided according to the conditions set out in the statutes of the place of residence of the children and according to the terms and conditions defined in the Administrative Arrangement.

ARTICLE 48
PERSONS REFERRED TO IN ARTICLES 7, 8, 12 AND 13

1. The persons referred to in Articles 7 and 8, paragraph 1 of Article 12, and Article 13 shall be entitled for the children accompanying them in the territory of one

Party to the family benefits listed in the Administrative Arrangement that are provided for by the statutes to which the persons remain subject.

2. Benefits shall be covered directly by the competent institution.

TITLE IV
FINANCIAL AND MISCELLANEOUS**ARTICLE 49**
ADMINISTRATIVE ARRANGEMENT

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

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

ARTICLE 50
CLAIM FOR PENSION OR BENEFIT

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

2. In the cases where no special provisions are provided in the Agreement or the Administrative Arrangement, a claim for a benefit filed with the institution of one Party is deemed to be a claim for a benefit under the statutes of the other Party. For the examination of rights, the date of receipt of such a claim shall be deemed to be the date on which the claim was received under the statutes of the first Party.

ARTICLE 51
PAYMENT OF BENEFITS

1. Cash pensions or benefits owed by the debtor institutions shall be paid directly to the beneficiaries in accordance with the provisions of the statutes of each Party in the currency of the Party making the payment, without any deduction for administrative charges or for any other costs incurred in the payment of the pension or benefit.

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

3. Pension arrears allocated by the Établissement national des invalides de la marine shall be paid directly to the beneficiaries by the territorially competent French consulate.

ARTICLE 52
FILING PERIOD

1. A request, a declaration or an appeal respecting social security which, under the statutes of one Party, must be 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 a Party shall be considered as the date of filing with the authority or institution of the other Party.

ARTICLE 53
MEDICAL EXAMINATION REPORTS AND
ADMINISTRATIVE CONTROLS

1. At the request of the competent institution of one Party, the corresponding 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 disallowed solely because they have been made in the territory of the other Party.

3. The terms and conditions for the application of administrative controls shall be set out in the Administrative Arrangement.

ARTICLE 54
PROTECTION OF PERSONAL INFORMATION

1. In this Article, the word “information” means any information from which the identity of a natural or a legal person may be easily established.

2. Unless disclosure is required under the statutes of a Party, any 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 personal information shall be subject to the statutes of the Party on whose territory the information is located.

ARTICLE 55
RESPONSIBILITIES OF THE COMPETENT
AUTHORITIES AND INSTITUTIONS

The competent authorities and institutions shall

(a) communicate to each other any information concerning the measures taken, internally, for the application of the Agreement;

(b) assist each other without charge in any matter concerning the application of the Agreement;

(c) forward to each other any information on amendments to their statutes referred to in Article 2 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 application of the Agreement.

ARTICLE 56
MUTUAL ASSISTANCE

For the application of this Agreement and the statutes on social security of the other Party, the competent administrative authorities and social security institutions of both Parties shall assist each other as if it involved the application of their own statutes.

ARTICLE 57
REIMBURSEMENT BETWEEN INSTITUTIONS

1. The competent institution of one Party must reimburse the cost of benefits that, in accordance with the provisions of Chapters 3 and 5 of Title III, are provided on its behalf by the competent institution of the other Party and the share of pensions or benefits that it pays that are provided by the other competent institution.

2. The competent institution of one Party must reimburse to the competent institution of the other Party the fees pertaining to each medical examination report produced in accordance with Article 53. The forwarding of medical information or other information already in the possession of the competent institutions shall be an integral part of administrative assistance and shall be effected without charge.

3. The Administrative Arrangement shall determine the terms and conditions respecting the reimbursement of the costs referred to in paragraphs 1 and 2.

4. The Parties shall determine, if applicable, in the Administrative Arrangement whether they waive all or part of the reimbursement of the costs.

ARTICLE 58 JOINT COMMISSION

1. A joint commission, composed of representatives of the competent authorities of each Party, shall be responsible for monitoring the application of the Agreement and proposing possible amendments. The joint commission shall meet, as necessary, at the request of either Party, alternately in France and in Québec.

2. Disputes concerning the application or the interpretation of the Agreement shall be settled by the joint commission. If a dispute cannot be settled in that manner, the dispute shall be settled by mutual agreement between the two Governments.

TITLE V TRANSITIONAL AND FINAL

ARTICLE 59 TRANSITIONAL

1. This Agreement shall not confer any new entitlement before the date of coming into force of the Agreement.

2. Any period of insurance or residence completed under the statutes of one Party before the date of coming into force of this Agreement shall be taken into account for the determination of entitlement in accordance with the provisions of this Agreement.

3. Any pension or benefit that has not been paid or that has been reduced or suspended by reason of the nationality of the person concerned shall be, at the request of that person, paid or reinstated from the date of coming into force of this Agreement, unless the rights paid previously led to a settlement in capital.

4. Subject to the provisions of paragraph 1, there is entitlement under this Agreement even if the entitlement relates to an event prior to the date of coming into force of the Agreement.

5. Despite the provisions of paragraph 7 of Article 21 of this Agreement, a person who, on the date of coming into force of this Agreement, receives a shared-cost disability pension provided by Québec and an old age pension under the French statutes, shall keep the said disability pension as long as the person has entitlement under the statutes of Québec and the cost remains apportioned between the institutions.

6. A person who, on the coming into force of this Agreement, receives an old age pension under the French statutes and files a claim for a disability pension with Québec after the said date of coming into force, shall receive a pension under the conditions set out in Article 16 of the Agreement signed on 12 February 1979 if the person's pension entitlement starts on a date prior to the date of coming into force of this Agreement.

7. The holder of an old age, survivors, disability or income replacement benefit owed under Québec statutes who resides in France on the date of coming into force of this Agreement and is entitled on that date to health and maternity insurance benefits in kind for the purposes of the provisions of Article 12 of the Agreement signed on 12 February 1979, shall continue, with the person's dependents, to be entitled to the vested rights as such, provided that no entitlement starts at a later time on account of the exercise of a professional activity or the collection of a pension or annuity under the French plan.

ARTICLE 60 FINAL

1. This Agreement revokes and replaces the Entente en matière de sécurité sociale entre le Gouvernement du Québec et le Gouvernement de la République française signed on 12 February 1979, amended by Avenant n° 1 dated 5 September 1984 and Avenant n° 2 dated 19 December 1998, except Article 16 for the cases referred to in paragraph 6 of Article 59 of this Agreement.

2. This Agreement is entered into for an undetermined term. A Party may withdraw from the Agreement by sending a written notice to the other Party. The withdrawal shall take effect on the 1st day of the 12th month following the date on which the said notice is received.

3. In the case of a withdrawal from this Agreement, the provisions of the Agreement shall continue to apply to vested rights, notwithstanding any restrictive provisions contained in the plans concerned with respect to an insured person's stays outside the country. The Parties shall make arrangements regarding the rights being vested.

4. The Parties shall notify each other of the completion of its internal procedures required for the coming into force of this Agreement which shall take effect on the first day of the third month following the date on which the last notification is received.

Done in French, in duplicate, in Paris, on 17 December 2003.

For the Gouvernement
du Québec

MONIQUE GAGNON-TREMBLAY,
*Deputy Premier,
Minister of International
Relations and
Minister responsible for
La Francophonie*

SCHEDULE 2

(s. 2)

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

In accordance with Article 49 of the Agreement on Social Security signed on 17 December 2003 between the Gouvernement du Québec and the Government of the French Republic, hereafter called the “Agreement”, the competent authorities represented by

For Québec:

— Jean D. Ménard, head of the Service des ententes internationales, Ministère des Relations internationales;

For France:

— Florence Lianos, head of the Division des affaires communautaires et internationales, Direction de la sécurité sociale, Ministère des Affaires sociales, du Travail et de la Solidarité;

— Louis Ranvier, responsible for international matters, Direction Générale de la forêt et des affaires rurales, Ministère de l’Agriculture, de l’Alimentation, de la Pêche et des Affaires rurales;

CONSIDERING the desire of both Governments to implement the Agreement with a view to preserving the mobility of persons between Québec and France,

HAVE AGREED TO THE FOLLOWING PROVISIONS:

TITLE I GENERAL

ARTICLE 1 DEFINITIONS

In this Administrative Arrangement, the terms used shall have the meaning assigned to them in Article 1 of the Agreement.

ARTICLE 2 PARTICULARS CONCERNING EQUALITY OF TREATMENT

For the purposes of Chapters 3 and 5 of Title III of the Agreement, as regards Québec statutes, workers temporarily working in Québec and staying legally in Québec without residing therein within the meaning of Article 1 of the Agreement shall receive, in that territory, treatment equal to the treatment given to persons residing therein, with regard to the benefits provided, in accordance with the provisions of Article 4 of the Agreement.

TITLE II PROVISIONS RELATING TO APPLICABLE STATUTES

ARTICLE 3 CERTIFICATE OF COVERAGE

1. In the cases referred to in Articles 7 to 13 of the Agreement, the institutions of the Party whose statutes remain applicable, that are designated below, shall establish, on application from the employer or an unsalaried worker, a “certificate of coverage” certifying that the worker concerned remains subject to the statutes.

The certificate is issued

(a) with respect to the Québec statutes,

by the Québec liaison agency;

(b) with respect to the French statutes,

by the worker’s Caisse or, with respect to salaried workers of the general plan, by the Caisse in the district in which the employer is located.

2. For the purposes of paragraph 2 of Article 8 of the Agreement and, as regards a derogation concerning individual cases, of Article 13, an agreement prior to the issuance of a certificate of coverage must be requested

(a) for the maintenance of affiliation to the Québec statutes,

by the Québec liaison agency to France's liaison agency;

(b) for the maintenance of affiliation to the French statutes,

— by France's liaison agency, as regards insured persons under plans other than the seamen's plan;

— by the Établissement national des invalides de la marine, as regards insured persons under the seamen's plan;

to the Québec liaison agency, which is responsible for obtaining a decision from the competent Québec institutions.

3. A decision made by mutual agreement by both Parties shall be communicated to the interested affiliated organizations and to the worker, if need be through the worker's employer.

4. Liaison agencies may agree, if applicable, on common procedures to improve or clarify the management of certificates of coverage.

5. For the purposes of Article 13 of the Agreement, the department responsible for social security, for France, and the liaison agency responsible for obtaining a decision from the competent institutions, for Québec, may, by common agreement, derogate from the applicable statutes with respect to a category of persons.

ARTICLE 4 PUBLIC SERVICE

1. For the purposes of paragraph 1 of Article 12 of the Agreement, the following persons are deemed to be in the Public Service:

(a) for Québec,

the persons employed by the Gouvernement du Québec and governed by the Public Service Act;

(b) for France,

i. persons in government employment and military service and similar personnel;

ii. salaried personnel other than the personnel referred to in subparagraph *i*, working for a French public administration and who, assigned in the territory of Québec, remain subject to the French social security plan.

2. For the purposes of paragraph 2 of Article 12 of the Agreement, the following persons are deemed to be in the Public Service:

(a) for Québec,

locally recruited persons;

(b) for France,

salaried personnel other than the personnel referred to in subparagraph *ii* of subparagraph *b* of paragraph 1 working for the French government.

TITLE III PROVISIONS CONCERNING PENSIONS AND BENEFITS

CHAPTER 1 OLD AGE PENSIONS AND SURVIVORS BENEFITS

ARTICLE 5 FILING OF CLAIM

1. For the purposes of Chapter 1 of Title III of the Agreement, a claim for a pension under the statutes of one Party shall be filed with the competent institution of that Party through the competent institution or liaison agency of the other Party, if the claimant resides in the territory of the latter Party. If the claimant resides in the territory of a third party state, the claim shall be filed with the competent institution of either Party.

2. With respect to claims for pensions under the statutes of Québec, la Régie des rentes du Québec shall be the competent institution for any application relating to a person whose contributions have been paid into the Québec Pension Plan.

ARTICLE 6 PROCESSING OF THE CLAIM

1. The competent institution or liaison agency through which the pension claim is filed shall send the claim to the competent institution of the other Party with the required supporting documents and a liaison form indicating the periods of insurance completed and the entitlement, if any, under the statutes of the first Party.

2. For the purposes of Article 16 of the Agreement for the totalization of the periods of insurance, the competent institution of one Party shall request from the competent institution of the other Party a statement indicating the periods of insurance recognized under the statutes that the latter Party applies.

3. The information on civil status entered on the claim form shall be certified by the institution or agency forwarding the claim, which exempts the institution or agency from sending the supporting documents.

4. The competent institution shall notify the claimant as soon as it has made a decision under the statutes it applies indicating the remedies and time limits provided for in the statutes; the institution shall also notify the institution or agency of the other Party through which the claim was filed, using the liaison form.

CHAPTER 2

DISABILITY PENSIONS

ARTICLE 7

FILING AND PROCESSING OF CLAIM

1. For the purposes of Article 21 of the Agreement, a claim for disability pensions must be filed with the institution to which the person concerned was affiliated at the time the disability occurred, according to the terms and conditions set out in the statutes to be applied by the institution.

2. If the person resides in the territory of the other Party, the person may send the claim to an institution situated in that territory, according to the terms and conditions set out in the statutes of that Party. That institution shall send the claim along with the required medical documents or a medical report and a statement of the periods of insurance completed under the statutes it applies to the institution to which the person concerned was affiliated at the time the disability occurred.

ARTICLE 8

AMOUNT OF THE DISABILITY PENSION AND CALCULATION PROCEDURES OF THE RÉGIE DES RENTES DU QUÉBEC

For the purposes of paragraphs 2 and 6 of Article 21 of the Agreement, where a disability pension is paid by Québec, the amount of the pension payable to the contributor shall be equal to the sum of the total amount of the fixed portion and the amount of the part related to earnings established over the aggregate of the periods of insurance taken into account. The amount of the pension payable to the contributor's children is the amount fixed by the statutes of Québec.

ARTICLE 9

EXAMINATION OF THE CLAIM BY THE INSTITUTION OF THE OTHER PARTY ; CONSIDERATION OF THE PERIODS OF INSURANCE COMPLETED IN THE TERRITORY OF THE OTHER PARTY FOR THE CALCULATION OF DISABILITY PENSIONS AND APPORTIONMENT OF THE COST

1. In the case referred to in paragraph 5 of Article 21 of the Agreement, the refusing institution shall send the claim to the institution of the other Party along with the medical documents it has or a medical report and the statement of the periods of insurance completed under the statutes it applies.

2. For the purposes of paragraph 1 of the first sentence of Article 21 of the Agreement, in the case where the statutes applied by the institution to which the claim was sent requires a determined number of hours of activity for entitlement, a day of insurance shall be equivalent to 6 hours of work.

3. In every case where the competent institution, as regards the provisions of paragraph 2 or paragraph 6 of Article 21 of the Agreement, awards a disability pension, the institution of the other Party may not, for any reason whatsoever, refuse the apportionment of the costs.

ARTICLE 10

EXCHANGE OF INFORMATION RELATING TO DISABILITY PENSIONS

1. The institutions shall inform each other of the awarding of paid disability pensions in accordance with the provisions of paragraphs 1 to 4 or paragraph 6 of Article 21 of the Agreement, using the form provided for that purpose.

2. For the purposes of paragraph 7 of Article 21 of the Agreement,

(a) the competent French institution shall inform the Régie des rentes du Québec of the granting of an old age pension in respect of a person receiving a shared-cost disability pension, in order to terminate the apportionment of the costs as of the date of entitlement to the old age pension ;

(b) where a person who has reached the minimum age required for the granting of an old age pension under the French statutes submits a claim for a disability pension to the Régie des rentes du Québec, the Régie shall establish the amount of the pension owed, if any, without apportionment of the costs and shall call upon that person to assert the person's entitlement to an old age pension under the French statutes ;

(c) if, however, the person informs the Régie des rentes du Québec of the rejection or deferral of the claim for old age pension under the French statutes, the Régie, by common agreement with the competent French institution, shall review the amount of the disability pension, taking into account the periods of insurance completed under the French statutes and shall communicate to the latter institution the result of the review as provided in paragraph 1 of this Article.

3. In the situations referred to in paragraphs 1 and 2 of Article 22 of the Agreement, the notices of suspension, termination or resumption of the benefits shall be communicated with the statements of account established for the claims for reimbursement.

CHAPTER 3 HEALTH AND MATERNITY BENEFITS

ARTICLE 11 DETERMINATION OF DEPENDENTS

1. For the purposes of paragraphs 1 and 2 of Article 24 of the Agreement, dependents shall respectively be determined in accordance with the statutes applicable in the territory of work or residence.

2. For the purposes of Articles 25, 26 and 28 of the Agreement, dependents shall be determined in accordance with the statutes applied by the institution paying the benefits.

ARTICLE 12 PROCEDURES RELATING TO ENTITLEMENT TO, MAINTENANCE OR RECOVERY OF BENEFITS

1. For the purposes of Articles 23 and 24 of the Agreement, where it is necessary to resort to the totalization of the periods of insurance, the information on the periods completed previously shall be given by the institution of the Party under whose statutes the person was previously subject by means of a “certificate of periods of insurance related to employment or residence, as regards health insurance, maternity and death”. The certificate shall be issued at the request of the person concerned or at the request of the new competent institution.

2. To receive benefits in kind in the territory of Québec, a person must register with the Régie de l'assurance-maladie du Québec using the registration form and submitting the certificate referred to in paragraph 1 of this Article along with documents corresponding to the person's immigrant status in Québec and, if applicable, proof of establishment of domicile. Entitlement to benefits shall be determined as soon as

the form is received at the Régie de l'assurance-maladie du Québec and be retroactive to the date of arrival of the person.

3. To receive benefits in kind in the territory of France, a person must be registered, in compliance with the conditions set out in the French statutes according to the person's situation, with the appropriate competent institution, and must justify as needed prior affiliation to the Régie de l'assurance-maladie du Québec by submitting the certificate referred to in paragraph 1 of this Article. The benefits shall then be granted on the day of the person's arrival in that territory.

4. Where, for entitlement to the benefits in kind provided for in the French statutes, the competent institution must use the periods of employment in Québec as provided in paragraph 1 of Article 27, the insured person must submit any document attesting to the effective duration of the activity during the periods of employment.

ARTICLE 13 PROCEDURES IN CASE OF TEMPORARY STAY IN THE TERRITORY OF THE ORIGINAL PARTY

1. For the purposes of paragraph 1 of Article 25 of the Agreement, the insured person or one of the person's dependents shall submit to the institution of the place of stay a certificate of entitlement to health and maternity insurance benefits in kind. The certificate may be established for a period not exceeding three months.

The certificate shall be submitted in the case where the insured person or one of the person's dependents applies for entitlement to benefits in kind:

(a) in Québec, at the Régie de l'assurance maladie du Québec so that the institution may register the person;

(b) in France, at the territorially competent Caisse primaire de l'assurance maladie with regards to the place where the care is received.

2. If, at the time of registration or submission of the claim for benefits, a person does not have the form referred to in paragraph 1 of this Article, the person must request the form from the institution to which the person is affiliated. If the person has serious grounds for not making the request himself or herself, the request may be made through the institution of the place of stay. Entitlement to benefits shall be established with effect on the date the care commenced.

3. The three-month period referred to in paragraph 3 of Article 25 shall commence on the initial date of care. If, on the expiry of the three-month period, the person's

health requires, in the opinion of the attending physician, that the benefits in kind be continued, the coverage may be extended for another three-month period provided that the competent institution has given a favourable opinion by renewing the certificate referred to in paragraph 1 of this Article.

ARTICLE 14 PROCEDURES IN THE CASE OF TRANSFER OF PLACE OF STAY DURING THE TREATMENT OR COMPENSATION

1. For the purposes of paragraph 1 of Article 26 of the Agreement, the insured person or one of the person's dependents shall be required to submit a certificate of entitlement to health and maternity insurance benefits in kind to the institution of the place of stay.

2. The certificate shall be issued by the competent institution, on request from the person concerned before departure, and must include the period during which the benefits are provided within the initial three-month period. The initial period of validity of the certificate may exceptionally be longer than three months if the anticipated period of benefits so justifies. In the case of maternity, the certificate issued under the same conditions as in the case of health insurance is valid for the granting of benefits in kind until the end of the compensation period for maternity provided for in the statutes applied by the competent institution.

If the certificate is requested by an insured person under the French plan who, in accordance with the provisions of paragraph 2 of Article 27 of the Agreement, is entitled to benefits in kind, the certificate shall be issued after the consulting physician has agreed to the travel.

3. In Québec, the certificate is submitted to the Régie de l'assurance maladie du Québec so that the agency may register the insured person or dependent.

In France, the certificate is submitted to the territorially competent Caisse primaire d'assurance maladie with regards to the place where the care is received.

4. If, at the time of registration or submission of the claim, a person does not have the form referred to in paragraph 1 of this Article, the person must request the form from the institution to which the person is affiliated. When the person has serious grounds for not making the request himself or herself, the request may be made through the institution of the place of stay. Entitlement to benefits shall be established with effect on the date the place of stay has been transferred.

5. If the health of the insured person or dependent requires an extension of care beyond the period anticipated originally in the certificate issued, the institution of the place of stay, on its own motion or on the request of the insured person, shall apply for the renewal of the certificate.

The competent institution shall grant the extension provided that entitlement to the benefits is maintained with regard to its statutes throughout the additional three-month period or a longer period in the case of an exceptionally serious illness. The institution may, if need be, request a medical verification from the institution of the place of stay and shall communicate the results to the institution.

In the case of a refusal of the extension, the reasons for the refusal and the remedies available shall be given to the person concerned and to the institution of the place of stay.

ARTICLE 15 PROCEDURES PRIOR TO ENTITLEMENT TO BENEFITS OF SECONDED WORKERS AND DEPENDENTS

1. For the purposes of paragraphs 1 and 2 of Article 28 of the Agreement, a worker who chose to refer to the institution of the Party in whose territory the person is staying shall submit the "certificate of coverage" to the institution.

2. In France, the certificate shall be filed with the Caisse primaire de l'assurance maladie of the place of stay. The Caisse that is the custodian of the certificate shall inform the Québec liaison agency by returning to the agency the card attached to the certificate of coverage that includes the name of the Caisse and the name of the worker.

3. In Québec, the certificate shall be submitted to the Régie de l'assurance maladie du Québec that registers the insured person. At the time of registration, the person may become a member of the general prescription drug insurance plan without paying a premium if the person submits proof that the person has no access to a group insurance plan in Québec providing reimbursement of costs related to prescription drugs.

4. The provisions of paragraphs 2 and 3 shall not apply by analogy to the worker's dependents.

ARTICLE 16
SPECIAL PROVISIONS CONCERNING INSURED
PERSONS UNDER THE FRENCH PLAN FOR
BENEFITS IN KIND AND MEDICAL MONITORING
IN CASE OF INTERRUPTION OF WORK

1. To receive health and maternity insurance benefits in kind provided by French statutes, the insured person referred to in Articles 25 and 28 of the Agreement shall submit to the competent French institution, within a three-day period after the commencement of the work disability, except in the case of a force majeure, a notice of interruption of work or a work disability certificate issued by the attending physician.

2. The provisions of paragraph 1 of this Article shall apply in case the interruption of work of the person referred to in Articles 25, 26 or 28 of the Agreement is extended. The competent institution shall examine the rights of the person concerned and inform the person directly of the decision, indicating the remedies and their time limits.

3. The competent institution notified of an interruption of work may, at any time, and particularly in the case of an extension of a prior interruption of work, request from the Régie de l'assurance maladie du Québec a medical verification the results of which shall be communicated to the institution as soon as possible.

ARTICLE 17
FORMALITIES TO BE FOLLOWED BY
DEPENDENTS RESIDING IN THE TERRITORY
OF THE OTHER PARTY

The persons referred to in Article 29 of the Agreement shall receive the benefits provided by the institution of the place of residence under the following conditions.

In the case of a dependent who returns to reside in Québec, the provisions of paragraphs 1 and 2 of Article 12 of this Arrangement shall apply by analogy.

A dependent residing or returning to reside in France must register at the Caisse primaire de l'assurance maladie of the place of residence by submitting a form issued by the Régie de l'assurance maladie du Québec attesting to status as an insured person entitled to benefits. The form shall be issued on the request of the insured person or the Caisse primaire d'assurance maladie and shall be valid for a period of not more than twelve months, having a commencement date that may not precede the date of commencement of coverage of the insured person under the statutes of Québec.

ARTICLE 18
FORMALITIES TO BE FOLLOWED BY THE
HOLDERS OF A PENSION OR ANNUITY

For the purposes of Article 30 of the Agreement, the provisions of paragraphs 1 to 3 of Article 12 of this Arrangement shall apply by analogy.

CHAPTER 4
NOT APPLICABLE

CHAPTER 5
BENEFITS IN CASE OF INDUSTRIAL ACCIDENT
OR OCCUPATIONAL DISEASE

ARTICLE 19
DETERMINATION OF INSTITUTIONS

For the purposes of Articles 34 to 43 of the Agreement

(a) affiliated institutions, as regards the statutes of Québec or France, are respectively the Commission de la santé et de la sécurité du travail, hereafter referred to as "CSST" and the Caisse de sécurité sociale to which the worker is affiliated;

(b) the institution of the place of stay or residence is, in Québec, the Commission de la santé et de la sécurité du travail, and in France, the Caisse of the place of stay or residence of the worker.

ARTICLE 20
CLAIM FOR BENEFITS UNDER THE STATUTES
OF THE OTHER PARTY

1. For the purposes of Article 34 of the Agreement,

(a) if the disease or accident occurs in France,

the institution of the place of stay shall send a case management claim, along with a medical certificate and a declaration describing the place and circumstances of the occurrence of the occupational injury, signed by the worker or the worker's representative, to the affiliated institution;

(b) if the disease or accident occurs in Québec,

the CSST shall, when it receives a claim for a worker under French statutes, send the claim to the affiliated institution pursuant to the terms and conditions provided in subparagraph *a* of this paragraph.

2. The affiliated institution that receives a claim for benefits shall immediately communicate its decision to the institution of the place of stay, on the basis of the information furnished by that institution, using the form provided to that effect. In the case of a negative decision, benefits shall be provided, in accordance with the general provisions applicable to the persons referred to in Article 28 of the Agreement.

3. For entitlement to benefits in kind, a seconded worker or a self-employed worker insured voluntarily shall apply directly to the affiliated institution in accordance with the provisions of the statutes applied by that institution.

4. Where a worker requests that the entitlement to benefits be extended beyond the period indicated in the form, the worker shall send the request with supporting medical documents to the affiliated institution either directly or through the institution of the place of stay.

5. If the medical documents furnished do not permit the affiliated institution to make a decision, the institution shall request from the institution of the place of stay to have the person concerned examined, specifying the nature of the additional information required.

6. The affiliated institution shall communicate its decision to a worker using a form indicating the entitlement extension period and the nature of the benefits granted or, if applicable, the reason for the refusal and the remedies available and their time limits.

ARTICLE 21 MAINTENANCE OF BENEFITS IN THE TERRITORY OF STAY OR OF NEW RESIDENCE

1. A worker referred to in Article 35 of the Agreement is required to submit a form to the institution of the place of stay or of the new residence attesting that the affiliated institution authorizes the first institution to maintain entitlement to benefits in kind after the worker's transfer of residence.

2. When, for a serious reason, the form referred to in paragraph 1 could not be established prior to a worker's transfer of residence, the affiliated institution may, on request from the worker or the institution of the place of stay or of the new residence, issue the form after the transfer of residence.

3. When a worker requests an extension of benefit entitlement beyond the period provided for, the provisions of paragraphs 4, 5 and 6 of Article 20 shall apply.

ARTICLE 22 RELAPSE AFTER TRANSFER OF RESIDENCE

1. To receive benefits in the case of relapse or aggravation, a worker referred to in Article 36 or 37 of the Agreement shall send a claim along with the required medical documents to the institution of the new place of residence, specifying that he or she has received benefits from the institution of the other Party following an industrial accident or an occupational disease.

2. The institution of the place of stay shall send the claim along with the medical documents to the institution that recognized the industrial accident for a decision. The latter institution shall then proceed in accordance with the provisions of paragraphs 5 and 6 of Article 20 of this Arrangement.

3. A claim sent directly to the institution that has recognized the industrial accident shall be admissible.

ARTICLE 23 GRANTING OF LARGE BENEFITS IN KIND

1. For the purposes of Article 40 of the Agreement, where the institution of the place of stay or residence grants prostheses, large devices or other large benefits in kind, the institution shall request that the affiliated institution send its decision concerning such granting on the form that will be sent to the worker. If the benefits have already been granted due to an emergency, the institution of the place of stay or residence shall so notify the affiliated institution and the acknowledgement of receipt of the notice shall serve as retroactive authorization.

2. Benefits shall be provided under the conditions and according to the forms prescribed by the statutes of the institution of the place of stay, unless otherwise specified by the affiliated institution.

ARTICLE 24 ASSESSMENT OF THE DEGREE OF DISABILITY

For the purposes of Article 41 of the Agreement, a worker and the institution to which the worker was previously affiliated shall furnish to the institution processing the claim, on the request of that institution and to the extent where it is necessary for the processing of the claim, the information relating to industrial accidents or occupational diseases that occurred or were ascertained under the previously affiliated statutes.

ARTICLE 25
DOUBLE EXPOSURE TO THE SAME RISK

1. Where the competent institution of the Party in whose territory a victim last carried on work likely to cause the occupational disease ascertains that the victim or the victim's dependents do not satisfy the conditions of its statutes, having regard to the provisions of paragraphs 2 and 3 of Article 42 of the Agreement, the said institution shall

(a) immediately send to the institution of the other Party the decision and accompanying documents and a copy of the notice referred to below;

(b) notify at the same time the worker of its refusal, indicating the conditions that are not satisfied, the remedies available under the law and their time limits and that the declaration has been transmitted to the institution of the other Party.

2. Where a remedy is exercised against the refusal of the institution of the Party in whose territory a victim last carried on work likely to cause the occupational disease, the institution is required to so inform the institution of the other Party and to make any final decision known to that institution.

ARTICLE 26
NOTICE IN CASE OF SHARED COST

For the purposes of paragraph 5 of Article 42 of the Agreement, the institution providing benefits shall send to the liaison agency of the other Party a first notice in which the institution shall indicate the amount of the benefits provided to a worker or the worker's dependents, the period of work likely to cause the occupational disease performed in the territory of each Party and the amount of the share to be paid by each of the competent institutions.

ARTICLE 27
AGGRAVATION OF A COMPENSATED
OCCUPATIONAL DISEASE

1. For the purposes of Article 43 of the Agreement, a worker is required to furnish to the competent institution of the new place of residence the necessary information relating to previous benefits received for the occupational disease concerned. The said institution may contact the institution that provided the benefits to the worker to obtain any details.

2. In the case referred to in subparagraph *a* of Article 43 of the Agreement, a copy of the decision of refusal notified to the worker by the institution of the

worker's new place of residence shall be forwarded to the competent institution of the other Party. Those institutions shall exchange any information useful to determine the worker's health condition.

3. In the case referred to in subparagraph *b* of Article 43 of the Agreement, the institution paying the amount of the supplement shall so inform the institution of the other Party.

CHAPTER 6
NOT APPLICABLE

CHAPTER 7
FAMILY BENEFITS

ARTICLE 28
FAMILY BENEFITS

The term "family benefits" means

(a) with respect to the Québec statutes, all benefits defined in the Act respecting family benefits;

(b) with respect to the French statutes, family allowances and allowance for infants in the portion paid up to three months of age.

ARTICLE 29
CLAIM FOR FAMILY BENEFITS

For the purposes of Article 47 of the Agreement, family benefits shall be payable in respect of dependent children as of the first day of the month following their arrival in the new territory of stay or residence provided that

(a) for Québec, the claim is made to the Régie des rentes du Québec, in accordance with the provisions of the statutes in force in that territory;

(b) for France, the beneficiary and the children justify the legality of their stay and that the claim for benefits be made to the Caisse d'allocations familiales of their place of stay or residence.

ARTICLE 30
NOTICE TO COMPETENT INSTITUTIONS

To obtain Québec family benefits, the persons referred to in Article 48 of the Agreement, going to France from Québec, shall furnish the certificate referred to in Article 3 of this Arrangement to the Régie des rentes du Québec. Persons going to Québec from France must so inform their Caisse d'allocations familiales.

TITLE IV **FINANCIAL AND MISCELLANEOUS**

ARTICLE 31 **LIAISON AGENCIES**

In accordance with the provisions of paragraph 2 of Article 49 of the Agreement, each Party has designated the following liaison agencies :

(a) in Québec,

the Bureau des ententes de sécurité sociale of the Régie des rentes du Québec or any other agency that the competent Québec authority may designate later ;

(b) in France,

the Centre des liaisons européennes et internationales de sécurité sociale.

ARTICLE 32 **DATE OF RECEIPT OF CLAIM**

The date of receipt of a claim for a pension, benefit or allowance by the competent institution or liaison agency of one Party is deemed to be the date of receipt by the competent institution of the other Party even if no pension, benefit or allowance is payable under the statutes of the first Party.

ARTICLE 33 **MEDICAL EXAMINATION REPORTS AND VERIFICATIONS**

1. The competent institution of one Party that pays a pension or benefit to a person residing in the territory of the other Party may have that person examined by a physician of its choice in accordance with the conditions set out in its own statutes.

2. If, following a request for verification by the institution paying the disability pension, it is observed that the beneficiary has resumed work in the territory of the other Party, a report shall be sent to the said institution by the institution of the place of residence of the beneficiary.

ARTICLE 34 **REIMBURSEMENT BETWEEN INSTITUTIONS**

1. Benefits in kind provided for the purposes of Articles 25, 26 and 28 of the Agreement shall be reimbursed on the basis of the costs incurred by the institution

of the place of stay as described in the individual statements of expenses that it submits and may include, for Québec, a percentage increase of the amount for consultations and medical examinations outside hospitalization billed on a fee basis to take into account the consultation and examinations that are not so billed. The rate is fixed at 15% and may increase by agreement between the competent authorities or agencies designated to that end, on the basis of the changes in the funding of medical acts in Québec. The amount of hospitalization expenses shall be established on the basis of daily prices.

2. Benefits in kind provided pursuant to Article 39 of the Agreement shall be reimbursed on the basis of the expenses incurred by the institution at the place of stay as described in the individual statements of expenses that it submits.

3. The statements of expenses established by the French institutions shall be consolidated by the French liaison agency and sent every six months with a summary report, including a duplicate, to the Régie de l'assurance maladie du Québec for expenses relating to health and to the Commission de la santé et de la sécurité du travail for expenses related to industrial accidents. Both agencies shall send quarterly statements of expenses, along with a summary report, established in Québec to the French liaison agency.

4. For the purposes of paragraph 4 of Article 21 and paragraph 5 of Article 42 of the Agreement, at the end of every calendar year, the institution that provided the pensions and benefits shall send to the liaison agency of the first Party a statement of pensions and benefits provided indicating the amount paid and the portion payable by the institution of the other Party. The liaison agency of the first Party shall submit the billing to the other Party.

5. For the purposes of Article 53 of the Agreement, at the end of every calendar year, the competent institution of each Party that performed the medical verifications or made the examination reports shall send individual statements of the costs incurred to the liaison agency. The liaison agency of that Party shall submit the statements to the liaison agency of the other Party for reimbursement.

6. Each debtor institution shall pay the amounts owed to the other institution within six months following the date of receipt of the reimbursement claims sent in accordance with the provisions of paragraphs 3, 4 and 5 of this Article.

ARTICLE 35
CONTESTATION OF REIMBURSEMENT

1. Where following the verification of the statements of expenses to be reimbursed referred to in Article 34 of this Arrangement, a Party contests certain amounts, the Party shall immediately reimburse the amounts with which the Party agrees, accompanied by a notice stating the reasons of the contestation of the other amounts.

2. The Party receiving a contestation shall examine it and communicate its findings as soon as possible to the other Party. If the contestation is not justified, the claim shall be reinstated with supporting documents. The matter is settled when the next statement is submitted.

ARTICLE 36
CONTINUATION OF UNDUE PAYMENT

In the case of undue payment of a shared-cost pension or benefit, the institution that provided the payment shall be responsible for continuing the undue payment, the amount of which shall be apportioned between the institutions of both Parties in the proportion established for the payment of the pension or benefit concerned. If the amount cannot be recovered, the loss shall be charged to both institutions according to the same rule.

ARTICLE 37
FORMS

Forms and other documents required to implement the procedure provided for in the Administrative Arrangement shall be established by mutual agreement by the competent institutions and agencies responsible for the application of the Agreement for each Party. The forms and documents shall appear as schedules to a supplementary administrative arrangement.

ARTICLE 38
STATISTICAL DATA

The liaison agencies of both Parties shall exchange statistical data concerning the payment of pensions made during every calendar year to beneficiaries residing in the territory of the other Party. The data shall indicate the number of beneficiaries and the amount of the pensions for each category.

TITLE V
FINAL

ARTICLE 39

This Arrangement revokes and replaces the General Administrative Arrangement relating to the conditions of application of the Agreement on social security between the Gouvernement du Québec and the Government of the French Republic signed on 12 February 1979, the Arrangement signed on 15 May 1987 making the first amendment and the Arrangements signed on 21 December 1998 making the second and third amendments respectively to that General Administrative Arrangement.

This Administrative Arrangement comes into force on the same date as the Agreement signed on 17 December 2003.

Done in duplicate at Québec City, on 17 December 2003, and in Paris, on 30 December 2003.

| | |
|--|---|
| For the competent authority of Québec | For the competent authority of the French Republic |
|--|---|

JEAN D. MÉNARD,
*Head of the Service des
ententes internationales
Ministère des Relations
internationales*

FLORENCE LIANOS,
*Head of the Division
des Affaires communautaires
et internationales
Ministère des Affaires
sociales, du Travail et
de la Solidarité*

LOUIS RANVIER,
*Responsible for
international matters
Ministère de l'Agriculture,
de l'Alimentation, de la Pêche
et des Affaires rurales*

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Gouvernement du Québec

O.C. 741-2006, 16 August 2006

An Act respecting the Ministère de la Santé
et des Services sociaux
(R.S.Q., c. M-19.2)

Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic — Ratification and implementation of the Amendment

Ratification of the Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs dated 19 December 1998, signed at Paris on 17 December 2003 between the Gouvernement du Québec and the Government of the French Republic, and Regulation respecting the implementation of the Amendment

WHEREAS Décret 1318-2003 dated 10 December 2003 authorized the Minister of International Relations and Minister responsible for La Francophonie to sign alone the Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs dated 19 December 1998 between the Gouvernement du Québec and the Government of the French Republic;

WHEREAS the Amendment was signed at Paris on 17 December 2003;

WHEREAS, under section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2), the Minister may, according to law, enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization for the purposes of enabling, on a basis of reciprocity, a person to benefit, from the time specified in those agreements and on the conditions determined therein, from all or part of the health services and social services provided for in the Acts administered by the Minister or in the laws of a foreign State to which the agreements apply;

WHEREAS, under the third paragraph of that section, to give effect to such agreements, the Government may, by regulation, determine the manner in which an Act administered by the Minister is to apply in any case covered by the agreements, and adapt the provisions of such an Act;

WHEREAS the Amendment constitutes an international agreement within the meaning of section 19 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1);

WHEREAS the Amendment also constitutes an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of the Act respecting the Ministère des Relations internationales;

WHEREAS, under the third paragraph of section 20 of the Act respecting the Ministère des Relations internationales, international agreements referred to in section 22.2 of the Act must, to be valid, be signed by the Minister of International Relations, approved by the National Assembly and ratified by the Government;

WHEREAS, under section 22.4 of the Act respecting the Ministère des Relations internationales, the ratification of an international agreement or the making of an order referred to in the third paragraph of section 22.1 of that Act shall not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS the National Assembly approved the Amendment on 20 April 2004;

WHEREAS, under Order in Council 1118-93 dated 11 August 1993, the draft regulations and the regulations related to the implementation of reciprocal agreements for social security entered into by the Gouvernement du Québec are exempt from the application of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations and Minister responsible for La Francophonie and of the Minister of Health and Social Services:

THAT the Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs dated 19 December 1998, signed at Paris on 17 December 2003 between the Gouvernement du Québec and the Government of the French Republic and approved by the National Assembly on 20 April 2004, appearing as a schedule to the implementation regulation mentioned below, be ratified;

THAT the Regulation respecting the implementation of the Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs dated 19 December 1998 between

the Gouvernement du Québec and the Government of the French Republic, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs dated 19 December 1998 between the Gouvernement du Québec and the Government of the French Republic

An Act respecting the Ministère de la Santé et des Services sociaux
(R.S.Q., c. M-19.2, s. 10)

1. The following Acts and the regulations made thereunder apply to any person referred to in the Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs dated 19 December 1998, signed at Paris on 17 December 2003 between the Gouvernement du Québec and the Government of the French Republic, appearing as a schedule:

- (1) the Hospital Insurance Act (R.S.Q., c. A-28);
- (2) the Health Insurance Act (R.S.Q., c. A-29);
- (3) the Act respecting prescription drug insurance (R.S.Q., c. A-29.01);
- (4) the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., c. R-5);
- (5) the Act respecting health services and social services (R.S.Q., c. S-4.2); and
- (6) the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

2. Those Acts and regulations apply in the manner set out in the Amendment.

3. This Regulation comes into force on 1 November 2006.

AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE FRENCH REPUBLIC RELATING TO SOCIAL SECURITY FOR STUDENTS AND PARTICIPANTS IN COOPERATION PROGRAMS DATED 19 DECEMBER 1998

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FRENCH REPUBLIC

HAVE AGREED TO THE FOLLOWING PROVISIONS WITH A VIEW TO AMENDING THE MEMORANDUM OF AGREEMENT ENTERED INTO ON 19 DECEMBER 1998

ARTICLE 1

In paragraph 1 of section 7 of the Memorandum of Agreement dated 19 December 1998, the words "Entente entre le Gouvernement du Québec et le Gouvernement de la République française en matière de sécurité sociale entered into on 12 February 1979, as amended" are replaced by the words "Agreement between the Government of the French Republic and the Gouvernement du Québec on social security dated 17 December 2003".

ARTICLE 2

Each Party shall notify to the other Party the implementation of the internal procedures required as regards the coming into force of this Amendment which will take effect on the first day of the third month following receipt of the last notification.

Signed in duplicate at Paris, this 17th day of December 2003.

For the Gouvernement
du Québec

For the Government
of the French Republic

MONIQUE GAGNON-TREMBLAY,
*Deputy Premier,
Minister of International
Relations and Minister
responsible for
La Francophonie*

PIERRE-ANDRÉ WILTZER,
*Minister Delegate for
Cooperation and the
Francophonie*

Gouvernement du Québec

O.C. 742-2006, 16 August 2006

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9)

An Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2)

Agreement on Social Security between the Government of Québec and the Government of the French Republic — Ratification and implementation

Ratification of the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, signed at Paris on 17 December 2003, and Regulation respecting the implementation of the Agreement

WHEREAS Décret 1317-2003 dated 10 December 2003 authorized the Minister of International Relations and Minister responsible for La Francophonie to sign alone the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic;

WHEREAS the Agreement was signed at Paris on 17 December 2003;

WHEREAS the Agreement on Social Security concerns pensions, health, and industrial accidents and occupational diseases;

WHEREAS, under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001), in the exercise of the Minister's functions, the Minister may, in particular, enter into agreements in accordance with the law, with a government other than the Gouvernement du Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization;

WHEREAS, under section 10 of that Act, notwithstanding any other legislative or regulatory provision, where an agreement in the area of income security and social benefits under paragraph 3 of section 5 of that Act extends the coverage of an Act or a regulation to a person defined in the agreement, the Government may, by regulation, enact the measures required to implement the agreement in order to give effect to the agreement;

WHEREAS the Government may, by regulation made under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), give effect to international fiscal agreements entered into under section 9 of that Act;

WHEREAS, under section 215 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the Government may make regulations respecting the manner in which the act shall apply to any case affected by an agreement entered into with another country;

WHEREAS, under section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2), the Minister may, according to law, enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization for the purposes of enabling, on a basis of reciprocity, a person to benefit, from the time specified in those agreements and on the conditions determined therein, from all or part of the health services and social services provided for in the Acts administered by the Minister or in the laws of a foreign State to which the agreements apply;

WHEREAS, under the third paragraph of that section, to give effect to such agreements, the Government may, by regulation, determine the manner in which an Act administered by the Minister is to apply in any case covered by the agreements, and adapt the provisions of such an Act;

WHEREAS the Agreement constitutes an international agreement within the meaning of section 19 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1);

WHEREAS the Agreement also constitutes an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of the Act respecting the Ministère des Relations internationales;

WHEREAS, under the third paragraph of section 20 of the Act respecting the Ministère des Relations internationales, international agreements referred to in section 22.2

of that Act must, to be valid, be signed by the Minister of International Relations, approved by the National Assembly and ratified by the Government;

WHEREAS, under section 22.4 of the Act respecting the Ministère des Relations internationales, the ratification of an international agreement or the making of an order referred to in the third paragraph of section 22.1 of that Act shall not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS the National Assembly approved the Agreement on 20 April 2004;

WHEREAS, under Order in Council 1118-93 dated 11 August 1993, the draft regulations and the regulations related to the implementation of reciprocal agreements for social security entered into by the Gouvernement du Québec are exempt from the application of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations and Minister responsible for La Francophonie, of the Minister of Health and Social Services, of the Minister of Employment and Social Solidarity and of the Minister of Revenue:

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, signed at Paris on 17 December 2003 and approved by the National Assembly on 20 April 2004, appearing as a schedule to the Regulation respecting the implementation of the provisions relative to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, approved by Order in Council 740-2006 dated 16 August 2006, be ratified;

THAT the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001, s. 10)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, s. 96)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 215)

An Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2, s. 10)

1. The following Acts and the regulations made thereunder apply to any person referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, signed at Paris on 17 December 2003, and appearing as Schedule 1 to the Regulation respecting the implementation of the provisions relative to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, approved by Order in Council 740-2006 dated 16 August 2006:

- (1) the Hospital Insurance Act (R.S.Q., c. A-28);
- (2) the Health Insurance Act (R.S.Q., c. A-29);
- (3) the Act respecting prescription drug insurance (R.S.Q., c. A-29.01);
- (4) the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., c. R-5);
- (5) the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);
- (6) the Act respecting health services and social services (R.S.Q., c. S-4.2); and
- (7) the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

2. Those Acts and regulations apply in the manner set out in the Agreement and in the administrative arrangement for its implementation, which appears as Schedule 2 to the Regulation referred to in section 1.

3. This Regulation replaces the Regulation respecting the implementation of the Entente entre le Gouvernement du Québec et le Gouvernement de la République française en matière de sécurité sociale (R.R.Q., 1981, c. M-23, r.3), the Regulation respecting the implementation of the Avenant à l'Entente en matière de sécurité sociale entre le Gouvernement du Québec et le Gouvernement de la République française, and the Arrangement administratif pertaining thereto made under Order in Council 1042-89 dated 28 June 1989, the Regulation respecting the implementation of Avenant n° 2 à l'Entente en matière de sécurité sociale entre le gouvernement du Québec et le gouvernement de la République française made by Order in Council 575-2002 dated 15 May 2002.

4. This Regulation comes into force on 1 November 2006.

7772

Gouvernement du Québec

O.C. 767-2006, 16 August 2006

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8)

Allocation of dwellings in low rental housing — Amendments

By-law to amend the By-law respecting the allocation of dwellings in low rental housing

WHEREAS, under subparagraphs *p* and *q* of the first paragraph of section 86 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), the Société d'habitation du Québec may, by by-law, establish criteria governing the allocation of dwellings in low rental housing or of such dwellings of a given category or subcategory and exempt certain persons from the application of certain criteria;

WHEREAS an amendment is necessary so that the rent stipulated in the lease is taken into account when a dwelling in low rental housing is allocated to a recipient of an emergency rent supplement, rather than the rent actually paid by the lessee as has previously been the case;

WHEREAS such an amendment ensures the economic stability of recipients of an emergency rent supplement;

WHEREAS, by Resolution 2006-028 dated 5 May 2006, the board of directors of the Société d'habitation du Québec adopted the By-law to amend the By-law respecting the allocation of dwellings in low rental housing;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the By-law to amend the By-law respecting the allocation of dwellings in low rental housing was published in Part 2 of the *Gazette officielle du Québec* of 31 May 2006 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, under section 87 of the Act respecting the Société d'habitation du Québec, the by-laws of the Société are subject to approval by the Government;

WHEREAS the comments received after the publication have been examined and considered;

WHEREAS it is expedient to approve the By-law without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions:

THAT the By-law to amend the By-law respecting the allocation of dwellings in low rental housing, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

By-law to amend the By-law respecting the allocation of dwellings in low rental housing*

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, s. 86, 1st par., subpars. *p* and *q* and s. 87)

1. Section 33 of the By-law respecting the allocation of dwellings in low rental housing is amended

(1) by adding the following subparagraph to the second paragraph:

“(4) the rent for the current month is determined without reference to financial assistance received by a lessee under an emergency assistance program.”;

(2) by striking out the third paragraph.

* The By-law respecting the allocation of dwellings in low rental housing, approved by Order in Council 1243-90 dated 29 August 1990 (1990, *G.O.* 2, 2433), was amended by the regulation approved by Order in Council 506-93 dated 7 April 1993 (1993, *G.O.* 2, 2429).

2. This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7774

Gouvernement du Québec

O.C. 770-2006, 16 August 2006

Charter of the French language
(R.S.Q., c. C-11)

**Language of commerce and business
— Amendment**

Regulation to amend the Regulation respecting the language of commerce and business

WHEREAS, under section 54.1 of the Charter of the French language (R.S.Q., c. C-11), the Government made the Regulation respecting the language of commerce and business by Order in Council 1756-93 dated 8 December 1993;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the language of commerce and business was published in Part 2 of the *Gazette officielle du Québec* of 10 May 2006 with a notice that it could be made by the Government, with or without amendment, on the expiry of 45 days following its publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Culture and Communications:

THAT the Regulation to amend the Regulation respecting the language of commerce and business, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the language of commerce and business*

Charter of the French language
(R.S.Q., c. C-11, s. 54.1)

1. The Regulation respecting the language of commerce and business is amended by inserting the following after section 8:

“8.1. A list of the ingredients of a cosmetic may be written according to the conditions prescribed by the Cosmetic Regulations (C.R.C., c. 869), as amended.”.

2. This Regulation comes into force on 16 November 2006.

7775

Gouvernement du Québec

O.C. 771-2006, 16 August 2006

Election Act
(R.S.Q., c. E-3.3)

Tariff of remuneration and expenses of election officers

Regulation respecting the tariff of remuneration and expenses of election officers

WHEREAS, under paragraph 1 of section 549 of the Election Act (R.S.Q., c. E-3.3), the Government may, by regulation, establish a tariff of remuneration and expenses of election officers;

WHEREAS the Government made the Regulation respecting the tariff of remuneration and expenses of election officers by Order in Council 499-2001 dated 2 May 2001;

WHEREAS it is expedient to replace that Regulation to increase the remuneration of election officers;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Canadian Intergovernmental Affairs, Francophones within Canada, the Agreement on Internal Trade, the Reform of Democratic Institutions and Access to Information:

* The Regulation respecting the language of commerce and business was made by Order in Council 1576-93 dated 8 December 1993 (1993, *G.O.* 2, 6914) and has not been amended since.

THAT the Regulation respecting the tariff of remuneration and expenses of election officers, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the tariff of remuneration and expenses of election officers

Election Act
(R.S.Q., c. E-3.3, ss. 137 and 549, par. 1)

DIVISION I SCOPE

1. This Regulation applies to all the services provided by an election officer within the meaning of section 136 of the Election Act (R.S.Q., c. E-3.3) who performs a function listed in section 2.

DIVISION II REMUNERATION

2. The remuneration to which election officers are entitled is indicated after their respective functions:

(1) Returning officer:

Substitute returning officer

Hourly remuneration equivalent to the hourly remuneration of an administration specialist at the maximum pay scale level, based on public service classification and norms. The remuneration is increased by a 5% team leader premium while the returning officer's main office is open;

(2) Assistant returning officer:

Hourly remuneration equivalent to the hourly remuneration of an administration technician, senior class, maximum pay scale level, based on public service classification and norms;

(3) Level 1 assistant to the assistant returning officer:

Hourly remuneration equivalent to the hourly remuneration of an administration technician, entry class grade 10, based on public service classification and norms;

(4) Level 2 assistant to the assistant returning officer:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 7, based on public service classification and norms;

(5) Level 1 aide to the returning officer:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 7, based on public service classification and norms;

(6) Level 2 aide to the returning officer:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 2, based on public service classification and norms;

(7) Level 3 aide to the returning officer:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 1, based on public service classification and norms;

(8) Enumerator:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 1, based on public service classification and norms;

(9) Revisor on a board of revisors:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 3, based on public service classification and norms;

(10) Secretary of a board of revisors:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 2, based on public service classification and norms;

(11) Revising officer:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 1, based on public service classification and norms;

(12) Deputy returning officer:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 1, based on public service classification and norms;

(13) Poll clerk:

Hourly remuneration equivalent to 90% of the hourly remuneration of the deputy returning officer;

(14) Officer assigned to the list of electors:

Hourly remuneration equivalent to 90% of the hourly remuneration of the poll clerk;

(15) Officer in charge of information and order:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 2, based on public service classification and norms;

(16) Aide to the officer in charge of information and order:

Hourly remuneration equivalent to 85% of the hourly remuneration of the officer in charge of information and order;

(17) Chair and members of the identity verification panel:

Hourly remuneration equivalent to 90% of the hourly remuneration of the poll clerk.

The remuneration provided for in the first paragraph may not be increased retroactively by reason of a provision in a law or a clause in a collective agreement that applies to public service personnel.

3. Election officers who perform more than one of the functions listed in section 2 are entitled only to the highest remuneration of the functions.

DIVISION III EXPENSES

4. Hourly remuneration corresponding to the hourly remuneration of the position they hold is paid to election officers when they attend a training meeting convened by the returning officer or under the returning officer's authority.

That remuneration is not paid if an election officer fails to attend on the days provided for by the Act for the carrying out of the duties.

5. Hourly remuneration corresponding to the hourly remuneration of the position held is paid to election officers authorized to return the ballot boxes for the advance polling and polling day.

6. Hourly remuneration corresponding to the hourly remuneration of the position held is paid to election officers authorized for the counting of the votes of the advance polling and the voting by mail for electors outside Québec and inmates.

7. Returning officers and assistant returning officers who must travel to perform their duties are entitled to be reimbursed for their travel expenses in accordance with the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents in force, on presentation of the vouchers required under the directive.

Other election officers who must travel to perform their duties are entitled to be reimbursed for their expenses for the distance in kilometres at the rate in force in the Directive sur les frais remboursables lors d'un déplacement at autres frais inhérents, on presentation of the vouchers required under the directive. Travel expenses paid by election officers to go to and return from work, and meal expenses, are not reimbursed.

DIVISION IV INCREASE IN THE TARIFF

8. The chief electoral officer may, during an election period, increase the amounts set by this Regulation. The additional expenses resulting from the increase may not exceed \$2,000,000.

DIVISION V FINAL

9. This Regulation replaces the Regulation respecting the tariff of remuneration and expenses of election officers made by Order in Council 499-2001 dated 2 May 2001.

10. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

7776

M.O., 2006

Order number AM 2006-35 of the Minister of Natural Resources and Wildlife dated 17 August 2006

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the Regulation to amend the Regulation respecting hunting

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE

CONSIDERING that, under sections 54.1 and 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may make regulations on the matters mentioned therein;

CONSIDERING that, under section 164 of the Act, a regulation made under sections 54.1 and 56 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting hunting by Minister's Order 99021 dated 27 July 1999 which provides, in particular, for the conditions of the hunting of any animal or class of animals;

CONSIDERING that it is expedient to amend the Regulation;

ORDERS AS FOLLOWS :

Is hereby made the Regulation to amend the Regulation respecting hunting attached hereto.

Québec, 17 August 2006

PIERRE CORBEIL,
*Minister of Natural Resources
and Wildlife*

Regulation to amend the Regulation respecting hunting*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 54.1 and 56, 2nd par.)

1. Schedule II.1 to the Regulation respecting hunting is amended by adding the following section after section 1 :

“2. Number of Caribou hunting licences

i. Caribou hunting licences valid for the part of Area 22 shown on the plan in Schedule XVII (from 15 November to 15 December)

| Outfitting operation reference number | Number of licences |
|---------------------------------------|--------------------|
| 10-526 | 1 280 |
| 10-536 | 240 |
| 10-537 | 240 |
| 10-605 | 800 |
| 10-609 | 1 280 |
| 10-611 | 168 |

ii. Caribou hunting licences valid for the part of Area 22 shown on the plan in Schedule XVII (from 16 December to 15 February)

| Outfitting operation reference number | Number of licences |
|---------------------------------------|--------------------|
| 10-526 | 2 560 |
| 10-536 | 480 |
| 10-537 | 480 |
| 10-605 | 1 600 |
| 10-609 | 2 560 |
| 10-611 | 336 |

”.

2. Schedule VI is amended

(1) by replacing, as regards the Duchénier Wildlife Sanctuary, the species “Moose”, the type of implement “11” and the bag limit “1/group”, the hunting season “From the Tuesday on or closest to 23 September to the Monday on or closest to 26 September” by the following hunting season :

“From the Tuesday on or closest to 23 September to the Friday on or closest to 26 September”;

(2) by replacing, as regards the “Rimouski Wildlife Sanctuary”, the species “Moose”, the type of implement “13” and the bag limit “1/goup of 3 or 4 hunters or 2/group of 6 hunters”, the hunting season “From the Tuesday on or closest to 5 September to the Monday or on or closest to 10 October” by the following hunting season :

“From the Tuesday on or closest to 5 September to the Tuesday on or closest to 10 October “.

* The Regulation respecting hunting, made by Minister's Order 99021 dated 27 July 1999 (1999, G.O. 2, 2451), was last amended by the regulation made by Minister's Order 2006-020 dated 11 May 2006 (2006, G.O. 2, 1624). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 April 2006.

3. Section 2 of Schedule II.1, made by section 1 of this Regulation ceases to apply on 1 April 2008.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7779

Draft Regulations

Draft Regulation

An Act respecting the Pension Plan of Elected Municipal Officers
(R.S.Q., c. R-9.3; 2005, c. 28)

Regulation

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation sets out the method of establishing the rate of interest to apply for the period during which the Commission administrative des régimes de retraite et d'assurances (CARRA) is processing a contribution refund application. The rate of interest currently used by the CARRA to establish the amount to be refunded corresponds to the pension fund's rate of return. Maintaining that method of computing interest while the CARRA examines a refund application occasionally entails negative interest being assessed to the applicant for that period. The new rate of interest is established using an external rate of interest that is always greater than zero. The external index corresponds to the average rate of return on marketable bonds issued by the Government of Canada for a term of 3 to 5 years.

The draft Regulation replaces, for the establishment of the value of the benefits, the actuarial assumptions for the mortality rate, the rate of interest and the indexing rate in keeping with the recommendations of the Canadian Institute of Actuaries (CIA) in its "Standard of Practice for Determining Pension Commuted Values", confirmed by its board of directors on 15 June 2004. The draft Regulation also sets out rules for establishing the value of the benefits in other pension plans administered by the CARRA on the basis of assumptions concerning the proportion of married persons at death, the age difference between spouses at death and the method for determining the actuarial value in the case of the death of a member before the age of 60.

The draft Regulation provides that the cost for a member of the council of Municipalité de Baie-James of redeeming years of service under Chapter VI.0.3 of the

Act respecting the Pension Plan of Elected Municipal Officers, introduced by section 124 of chapter 28 of the Statutes of 2005, corresponds to the sum of the contributions that the member would have paid under the plan in respect of the service to be redeemed plus prescribed interest.

The draft Regulation has no financial impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Yves Slater, Director, Direction de l'actuariat et du développement, Commission administrative des régimes de retraite et d'assurances, 475, rue Saint-Amable, 5^e étage, Québec (Québec) G1R 5X3; telephone: 418 644-1477; fax: 418 528-2715.

Interested persons having comments to make on the draft Regulation are asked to send them in writing before the expiry of the 45-day period to the Minister of Municipal Affairs and Regions, 10, rue Pierre-Olivier-Chauveau, Québec (Québec) G1R 4J3.

NATHALIE NORMANDEAU,
*Minister of Municipal Affairs
and Regions*

Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers*

An Act respecting the Pension Plan of Elected Municipal Officers
(R.S.Q., c. R-9.3, s. 75, 1st par., subpars. 1 and 4; 2005, c. 28, ss. 123, 124 and 127)

1. The Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers is amended by replacing the part that precedes section 1 by the following:

* The Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers, made by Order in Council 1742-89 dated 15 November 1989 (1989, *G.O.* 2, 4153), was last amended by the regulation made by Order in Council 1009-2005 dated 26 October 2005 (2005, *G.O.* 2, 4834). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 April 2006.

**“DIVISION I
ESTABLISHMENT OF RATES OF INTEREST**

§1. Rate of interest based on the rates of return of certain funds”.

2. Section 1 is amended by replacing “For the purposes” in the first paragraph by “For the purposes of the second paragraph of section 54.1”.

3. The following subdivision is added after section 1 :

“§2. Rate of interest based on an external index

For the purposes of the third paragraph of section 54.1 of the Act, the annual rate of interest is established as at 1 June of each year by computing the arithmetic mean, for the 12-month period ending on 31 December of the preceding year, of the nominal rates on Government of Canada marketable bonds (3-5 years) as compiled by Statistics Canada and published in the Bank of Canada Review (CANSIM Series V122485).”.

4. Section 5 is replaced by the following :

“5. Interest, compounded annually, is computed at the rate established each year in accordance with section 1 until the date on which the refund application is received by the Commission, at the rate established as provided in section 1.1 and in force on that date, as of the day following that date until the date on which the refund is made.

Despite the first paragraph, if the event giving entitlement to the refund is the death of the member, the period of application of section 1.1 begins on the day following the date of death and if the event is the death of the beneficiary or the surviving spouse, the period begins on the first day of the month following the date of death.”.

5. Division V is replaced by the following :

**“DIVISION V
ACTUARIAL VALUE**

9. For the purposes of this Division, the expression “CIA Standard” refers to the “Standard of Practice for Determining Pension Commuted Values” confirmed by the board of directors of the Canadian Institute of Actuaries on 15 June 2004.

9.0.1. The actuarial value of the deferred annuity referred to in section 49 of the Act is determined using the following actuarial method and assumptions :

Actuarial method

The actuarial method is the “benefit allocation” method and the actuarial value corresponds to the sum of 80% of the actuarial value determined for a male and 20% of the actuarial value determined for a female.

Actuarial assumptions

(1) Mortality rates :

The mortality rates are those determined in accordance with the CIA Standard.

(2) Rate of interests :

For fully-indexed and non-indexed benefits :

The rate of interests are those determined in accordance with the CIA Standard.

For partially-indexed benefits :

The rate of interests are those determined according to the following formula :

$$\frac{((1 + \text{rate of interest for a non-indexed benefit}) / (1 + \text{indexing rate for a partially-indexed benefit})) - 1}{1}$$

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate :

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard ;

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3%, the indexing rate corresponds to the excess of the indexing rate computed in the manner provided in subparagraph a over 3%.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

| Inflation level | Addition to the result of the PI-3% formula | Adjusted indexing rate |
|-----------------|---|------------------------|
| 0.5 | 0.1 | 0.1 |
| 1.0 | 0.1 | 0.1 |
| 1.5 | 0.3 | 0.3 |
| 2.0 | 0.5 | 0.5 |
| 2.5 | 0.7 | 0.7 |
| 3.0 | 1.0 | 1.0 |
| 3.5 | 0.8 | 1.3 |
| 4.0 | 0.6 | 1.6 |
| 4.5 | 0.5 | 2.0 |
| 5.0 | 0.4 | 2.4 |

(4) Turnover rate: Nil

(5) Disability rate: Nil

(6) Proportion of married persons at death:

| Age | Male | Female |
|--------------------|------|--------|
| 18 - 64 years old | 85% | 65% |
| 65 - 79 years old | 80% | 30% |
| 80 - 109 years old | 60% | 10% |
| 110 years old | 0% | 0% |

(7) Age difference between spouses at death:

— the male spouse of the member is assumed to be one year older;

— the female spouse of the member is assumed to be four years younger.”.

6. Section 9.2 is replaced by the following:

“**9.2.** A person may, for the purposes of Chapters VI.0.1 and VI.0.2 of the Act and Chapter VI.0.3 of the Act, introduced by section 124 of chapter 28 of the Statutes of 2005, apply for redemption of service by sending the

Commission a written notice specifying the period to be redeemed. After receiving the notice, the Commission must send the applicant a redemption proposal in which it determines the amount the applicant must pay.

For the purposes of Chapters VI.0.1 and VI.0.2 of the Act, the amount the applicant must pay is determined in accordance with Schedule II. For the purposes of Chapter VI.0.3 of the Act, that amount corresponds to the sum of the contributions the applicant would have paid under the plan in respect of the service the applicant wishes to redeem and the interest compounded annually, computed at the rate established each year in accordance with section 1 as of the midpoint of each year until the date on which the application for redemption is received.

The amount determined pursuant to the second paragraph is payable in cash not later than on the expiry date of the redemption proposal or by instalments spread over the maximum period prescribed by section 8. If the amount is paid by instalments, interest compounded annually is added at the rate established as provided in section 1.1 in force on the date on which the application for redemption is received and computed as of the expiry date of the redemption proposal made by the Commission.”.

7. Section 9.3 is amended

(1) by replacing “re-determined” in the fourth paragraph by “determined” and by striking out “in relation to the value of the indexed pension credit and the age of the person”;

(2) by replacing “re-determined in relation to the date of the decision” in the last paragraph by “determined on the date of the decision taking into account, for a redemption under Chapter VI.0.1 or VI.0.2 of the Act, the value of the indexed pension credit and the age of the person on that date”.

8. The title of Schedule II is replaced by “RATE APPLICABLE TO CERTAIN REDEMPTIONS UNDER SECTION 9.2”.

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7768

Draft Regulation

An Act respecting the Pension Plan of Elected Municipal Officers
(R.S.Q., c. R-9.3)

Supplementary benefits plans for elected municipal officers

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Amendment to the Supplementary benefits plans for elected municipal officers, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Supplementary benefits plans for elected municipal officers, made by Order in Council 1440-2002 dated 11 December 2002, to replace the second paragraph of section 13 of the supplementary benefits plan referred to in section 76.4 of the Act respecting the Pension Plan of Elected Municipal Officers so as to change the reference to the rate of interest in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) for a reference to the rate of interest in Schedule VII to that Act, established as at 1 June of each year and equal to the arithmetic mean, for the 12-month period ending on 31 December of the preceding year, of the nominal rates on Government of Canada marketable bonds (3-5 years) as compiled by Statistics Canada and published in the Bank of Canada Review (CANSIM Series V122485).

The draft Regulation has no financial impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Yves Slater, Director, Direction de l'actuariat et du développement, Commission administrative des régimes de retraite et d'assurances, 475, rue Saint-Amable, 5^e étage, Québec (Québec) G1R 5X3; telephone: 418 644-1477; fax: 418 528-2715.

Interested persons having comments to make on the draft Regulation are asked to send them in writing before the expiry of the 45-day period to the Minister of Municipal Affairs and Regions, 10, rue Pierre-Olivier-Chauveau, Québec (Québec) G1R 4J3.

NATHALIE NORMANDEAU,
*Minister of Municipal Affairs
and Regions*

Amendment to the Supplementary benefits plans for elected municipal officers*

An Act respecting the Pension Plan of Elected Municipal Officers
(R.S.Q., c. R-9.3, ss. 76.4, 76.5 and 80.1)

1. The Supplementary benefits plans for elected municipal officers are amended in section 13 by replacing the second paragraph by the following:

“Any amount unpaid within the 30-day period bears interest, compounded annually, at the rate in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), in force on the date of the statement and computed as of that date.”

2. The Amendment to the Supplementary benefits plans for elected municipal officers comes into force on the date of its publication in the *Gazette officielle du Québec*.

7770

Draft Regulation

An Act respecting retirement plans for the mayors and councillors of municipalities
(R.S.Q., c. R-16; 2005, c. 28)

General retirement plan for the mayors and councillors of municipalities

— Interest applicable

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting interest applicable under the general retirement plan for the mayors and councillors of municipalities, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces the Regulation respecting the determination of the rate of interest applicable to the retirement plan for the mayors and councillors of municipalities and the Regulation respecting the terms and conditions of application of the rate of interest applicable to the amounts paid for participation in the

* The Supplementary benefits plans for elected municipal officers, made by Order in Council 1440-2002 dated 11 December 2002 (2002, *G.O.* 2, 6540), have not been amended since they were made by the Government.

general plan. It consolidates into one regulation the provisions of both those regulations and sets out the method of establishing the rate of interest to apply for the period during which the Commission administrative des régimes de retraite et d'assurances (CARRA) is processing a contribution refund application. The rate of interest currently used by the CARRA to establish the amount to be refunded corresponds to the rate of return of the pension fund of the Pension Plan of Elected Municipal Officers. Maintaining that method of computing interest while the CARRA examines a refund application occasionally entails negative interest being assessed to the applicant for that period. The new rate of interest is established using an external rate of interest that is always greater than zero. The external index corresponds to the average rate of return on marketable bonds issued by the Government of Canada for a term of 3 to 5 years.

The draft Regulation has no financial impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Yves Slater, Director, Direction de l'actuariat et du développement, Commission administrative des régimes de retraite et d'assurances, 475, rue Saint-Amable, 5^e étage, Québec (Québec) G1R 5X3; telephone: 418 644-1477; fax: 418 528-2715.

Interested persons having comments to make on the draft Regulation are asked to send them in writing before the expiry of the 45-day period to the Minister of Municipal Affairs and Regions, 10, rue Pierre-Olivier-Chauveau, Québec (Québec) G1R 4J3.

NATHALIE NORMANDEAU,
*Minister of Municipal Affairs
and Regions*

Regulation respecting interest applicable under the general retirement plan for the mayors and councillors of municipalities

An Act respecting retirement plans for the mayors and councillors of municipalities
(R.S.Q., c. R-16, s. 42, 1st par., subpar. *a* and 2nd par.; 2005, c. 28, s. 128)

DIVISION I APPLICATION

1. For the purposes of subparagraph *a* of the first paragraph of section 42 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., c. R-16), the rates of interest are determined for

each period in accordance with Division II and according to the periods in Division III. The interest is computed in accordance with the rules set out in the latter Division.

DIVISION II ESTABLISHMENT OF THE RATE OF INTEREST

§1. *Rate of interest based on the rates of return of the pension fund of the Pension Plan of Elected Municipal Officers*

2. The annual rate of interest in this subdivision is established as at 1 June of each year by computing the geometric mean of the annual rates of return for the three-year period ending on 31 December of the year preceding the reference year, according to the formula in Schedule I.

The annual rate of return is the rate determined by the Caisse de dépôt et placement du Québec as at 31 December of each year for the specific fund of the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3), after subtracting the management expenses.

§2. *Rate of interest based on an external index*

3. The annual rate of interest in this subdivision is established as at 1 June of each year by computing the arithmetic mean, for the 12-month period ending on 31 December of the preceding year, of the nominal rates on Government of Canada marketable bonds (3-5 years) as compiled by Statistics Canada and published in the Bank of Canada Review (CANSIM Series V122485).

DIVISION III COMPUTATION OF INTEREST

4. The amounts paid into the general plan bear interest, compounded annually, at the rate established each year as provided in section 2 as of the midpoint of the year in which they are paid to the Commission administrative des régimes de retraite et d'assurances until the date on which the refund application is received by the Commission, at the rate established as provided in section 3 and in force on that date, as of the day following that date until the date on which the refund is made.

Despite the first paragraph, if the event giving entitlement to the refund is the death of the member, the period of application of section 3 begins on the day following the date of death and if the event is the death of the beneficiary or the surviving spouse, the period begins on the first day of the month following the date of death.

5. For the purposes of section 4, the expression “amounts paid” includes the member’s regular and additional contributions, the other amounts paid for redemption or transfer of past service, and the contributions of the municipality and the amounts the municipality paid for the redemption or transfer of past service.

6. This Regulation replaces the Regulation respecting the determination of the rate of interest applicable to the retirement plan for the mayors and councillors of municipalities, made by Order in Council 1008-2005 dated 26 October 2005, and the Regulation respecting the terms and conditions of application of the rate of interest applicable to the amounts paid for participation in the general plan (R.R.Q., 1981, c. R-16, r.4).

7. This Regulation comes into force on the first day of the month following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I

(s. 2)

COMPUTATION OF THE RATE OF INTEREST

The formula for the computation of the rate of interest for the reference year is the following:

$$i_y = ((1 + T_{y-1}) (1 + T_{y-2}) (1 + T_{y-3}))^{1/3} - 1$$

where

T_{y-1} is the rate of return for the year preceding the reference year

T_{y-2} is the rate of return for the year occurring 2 years before the reference year

T_{y-3} is the rate of return for the year occurring 3 years before the reference year

7769

Draft Regulation

An Act respecting retirement plans for the mayors and councillors of municipalities
(R.S.Q., c. R-16; 2005, c. 28)

Pensions of mayors and councillors

— **Terms and conditions for computing**
— **Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting terms

and conditions for computing pensions of mayors and councillors, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting terms and conditions for computing pensions of mayors and councillors by replacing the reference to the Regulation respecting the terms and conditions of application of the rate of interest applicable to the amounts paid for participation in the general plan by a reference to the new Regulation respecting interest applicable under the general retirement plan for the mayors and councillors of municipalities.

The draft Regulation has no financial impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Yves Slater, Director, Direction de l’actuariat et du développement, Commission administrative des régimes de retraite et d’assurances, 475, rue Saint-Amable, 5^e étage, Québec (Québec) G1R 5X3; telephone: 418 644-1477; fax: 418 528-2715.

Interested persons having comments to make on the draft Regulation are asked to send them in writing before the expiry of the 45-day period to the Minister of Municipal Affairs and Regions, 10, rue Pierre-Olivier-Chauveau, Québec (Québec) G1R 4J3.

NATHALIE NORMANDEAU,
*Minister of Municipal Affairs
and Regions*

Regulation to amend the Regulation respecting terms and conditions for computing pensions of mayors and councillors*

An Act respecting retirement plans for the mayors and councillors of municipalities
(R.S.Q., c. R-16, s. 42, 1st par., subpar. f and 2nd par.; 2005, c. 28, s. 128)

1. The Regulation respecting terms and conditions for computing pensions of mayors and councillors is amended by replacing subparagraph *iv* of paragraph *b* of section 1 by the following:

* The Regulation respecting terms and conditions for computing pensions of mayors and councillors (R.R.Q., 1981, c. R-16, r.6) has been amended once, by the regulation made by Order in Council 615-2002 dated 29 May 2002 (2002, G.O. 2, 2598).

“iv. interest, compounded annually, computed at the rate established each year in accordance with section 2 of the Regulation respecting interest applicable under the general retirement plan for the mayors and councillors of municipalities, made by Order in Council (*insert the number and date of the Order in Council*), that applies to the amounts referred to in subparagraphs *i*, *ii* and *iii* as of the midpoint of the year in which the amounts have been paid to the Commission administrative des régimes de retraite et d’assurances until the date of computing the pension.”

2. This Regulation comes into force on the first day of the month following the date of its publication in the *Gazette officielle du Québec*.

7771

Draft Regulation

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Certain categories of pension plans and certain pension plans — Exemption from the application of provisions of the Act — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act and the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, the text of which appears below, may be made by the government upon the expiry of 45 days following this publication.

The draft Regulation amends, on the one hand, the Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act in order to implement the taxation agreement made with the municipalities of Québec, which will take effect on 1 January 2007. The proposed measures are intended to exempt municipality pension plans from certain solvency rules and to define new, more restrictive funding rules. Furthermore, these measures will also apply to university pension plans.

The draft Regulation amends, on the other hand, the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act in order to make the same

measures applicable to the Régime de retraite du personnel des CPE et des garderies privées conventionnées du Québec.

Further information may be obtained from Mr. Mario Marchand, Régie des rentes du Québec, Place-de-la-Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3; tel. : 418 657-8732 ext. 3927; fax: 659-8935; e-mail : mario.marchand@rrq.gouv.qc.ca

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the period mentioned above, to Mr. Guy Morneau, President and General Manager of the Régie des rentes du Québec, Place-de-la-Cité, 2600, boulevard Laurier, 5th Floor, Sainte-Foy (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment and Social Solidarity, who is responsible for the application of the Supplemental Pension Plans Act.

MICHELLE COURCHESNE,
Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act* and Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act**

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 2, 2nd par.)

1. The Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act is amended by adding, after section 47, the following division:

* The last amendments to the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act, made by Order in Council 1160-90, dated 8 August 1990 (*G.O.* 1990, 2, 2333), were made by the regulation made by Order in Council 436-2004, dated 6 May 2004 (*G.O.* 2004, 2, 1615). For the preceding amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2006, updated to 1 April 2006.

** The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, made by Order in Council 436-2004, dated 28 April 2004 (2004, *G.O.* 2, 1543), was amended by the regulation made by Order in Council 987-2005, dated 19 October 2005 (*G.O.* 2005, 2, 4752).

**“DIVISION IX
FUNDING AND SOLVENCY OF CERTAIN
PENSION PLANS**

48. This division applies to pension plans to which chapter X of the Act applies and of which the employer is a municipality, a body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3) or a university-level educational establishment referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1).

In the case of a multi-employer pension plan, even not considered as such in application of section 11 of the Act, this section applies only insofar as, on 1 January 2007 or on the effective date of the plan, if after 1 January 2007, and at the end of each plan fiscal year thereafter, at least 90% of the plan’s active members are employees of the employers referred to in the first paragraph.

49. The plans referred to in this division are exempted from the application the provisions of sections 130, 137 and 140 of the Act provided the conditions set out in this division are met. Furthermore, the terms and conditions provided for in sections 55 and 56 are substituted, with respect to those plans, for the terms and conditions set out in sections 146.1 to 146.3 of the Act.

50. For the determination of the funding of a pension plan from the first complete actuarial valuation whose date is after 30 December 2006, the assets shall be determined according to their liquidation value, or an estimate thereof.

51. Where the value of the additional commitments resulting from an amendment is determined by a complete actuarial valuation of the plan, the improvement unfunded actuarial liability arising from the amendment shall be equal to the higher of the following amounts :

(1) the amount determined in accordance with paragraph 2 of section 126 of the Act, which shall apply by replacing the words “date on which it becomes effective” by the words “date of the actuarial valuation”;

(2) the amount corresponding to the lesser of the following values, determined on the basis of solvency :

(a) the value of the additional commitments resulting from the amendment ;

(b) the value that corresponds to the amount by which the plan’s liabilities exceed its assets, the latter being increased by the value, determined at the date of the

actuarial valuation by using an interest rate identical to that used to determine the plan’s liabilities for the purpose of determining solvency, of the amounts remaining to be paid in order to amortize any initial unfunded actuarial liability and the amounts to be used to amortize, during the 5 years following that date, any other unfunded actuarial liability.

The value referred to in subparagraph *a* of paragraph 2 of the first paragraph shall be calculated by making the assumption that the effective date of the amendment is the date of the actuarial valuation. The last paragraph of section 138 of the Act shall apply to the calculation of the value referred to in subparagraph *b* of the same paragraph even if the effective date of the amendment is not prior to the date referred to in paragraph 3 of section 118 of the Act.

52. The actuarial valuation required pursuant to paragraph 2 of section 118 of the Act may be partial and thus be limited to the determination of the value of the additional commitments resulting from the amendment to the pension plan or be limited, on the basis of funding, to the change in the current service contribution that results from the amendment. The said value or change shall be determined, on the basis of funding, by using the same assumptions and methods as those used for the previous actuarial valuation, unless such assumptions are not appropriate in the light of the nature of the amendment made to the plan.

However, where the amendment to the plan has the effect of increasing the pensions whose payment has already begun and where the additional commitments resulting therefrom are, at the date of the preparation of the report on the actuarial valuation, guaranteed by an insurer, such commitments may be valued by assuming that they correspond to the premium paid to the insurer, discounted to the valuation date according to the pension fund’s rate of return.

Where the amendment has the effect of increasing the commitments arising from the plan, the value of the additional commitments resulting therefrom shall be equal to the greater of the following values :

(1) the value of the additional commitments resulting from the amendment, determined on the basis of funding ;

(2) the value of such commitments, determined on the basis of solvency.

An improvement unfunded actuarial liability, equal to the value of such additional commitments, shall be determined unless the actuary certifies that in his opinion

the plan would have been found to be fully funded and solvent if a complete actuarial valuation had been carried out at the effective date of the amendment.

Unless the actuary certifies that in his opinion the plan's degree of solvency is equal to or greater than 100%, he shall estimate such degree at that date and include it in his report. Moreover, the degree of solvency thus estimated shall apply, as of the date of the transmission to the Régie of the report, to such valuation, for the purposes of paying, pursuant to section 142 of the Act, the benefits of the members and beneficiaries,

53. The last paragraph of section 129 of the Act notwithstanding, the maximum amortization period for any improvement unfunded actuarial liability shall be 5 years from the date of determination of the liability.

54. Where the actuarial valuation determining the value of the additional commitments resulting from an amendment to the pension plan shows that the degree of solvency is less than 90%, there shall be paid a special contribution, payable in full on the day following the valuation date, whose amount is equal to the lesser of the following amounts:

(1) the amount corresponding to the value, on the basis of solvency, of the additional commitments resulting from the amendment;

(2) the amount corresponding to the assets that would be required for the plan's degree of solvency to be 90%.

The special contribution shall be used to reduce the amortization amounts related to the improvement unfunded actuarial liability determined by the actuarial valuation. If such contribution is not sufficient to eliminate the liability, the reduction shall be applied pro rata to each of the amortization amounts to be paid.

55. The assets of the pension plan may not be appropriated for payment of employer contributions unless the most recent actuarial valuation shows that there exist surplus assets on the basis both of funding and of solvency.

The maximum amount of assets that may be appropriated for payment of employer contributions shall be determined at the time of the most recent actuarial valuation of the plan. It shall be equal:

(1) if it is a complete actuarial valuation, to the lesser of the plan's surplus assets as determined on the basis of funding and on the basis of solvency;

(2) if it is a partial actuarial valuation, to the amount shown on a certificate of the actuary attesting that, were a complete actuarial valuation to be carried out at the valuation date, it would allow the determination, in accordance with paragraph 1 of a maximum amount at least equal to the amount shown.

56. The appropriation of pension plan assets for payment of employer contributions shall cease:

(1) at the date of any actuarial valuation that shows that there are no more surplus assets on the basis either of funding or of solvency;

(2) at the date of the end of the fiscal year that follows the date of an actuarial valuation that satisfied the first paragraph of section 55 where no actuarial valuation was made at that fiscal year ending date.

57. A report referred to in section 119 of the Act shall, unless it is a report on a partial actuarial valuation, contain the information and declarations mentioned in the first paragraph of section 4 of the Regulation respecting supplemental pension plans, except those referred to in paragraph 8 of the said paragraph, by substituting the following information for that required, respectively, by paragraphs 6, 13, 15 and 17 of that paragraph:

(1) the employer contribution provided for in the plan, where such contribution is greater than the contribution provided for in sections 39 of the Act and 54 of this Regulation;

(2) where the plan's degree of solvency is less than 100%, the value, determined at the date of the actuarial valuation by using an interest rate identical to that used to determine the plan's liabilities in order to determine solvency, of the amounts remaining to be paid in order to amortize any initial unfunded actuarial liability and of the amounts provided for the amortization, in the 5 years after that date, of any other unfunded actuarial liability;

(3) a description of the amendments made in application of sections 133 and 134 of the Act to the amounts and amortization periods indicated in the most recent report on the valuation of the entire plan and in any subsequent report prepared in application of section 52;

(4) the maximum amount referred to in section 55.

A report to which the first paragraph applies shall furthermore, where it determines the value of the additional commitments resulting from the amendment of the plan, contain the information provided for in the first and second paragraphs of section 58.

58. A report covering only a partial actuarial valuation referred to in section 52 shall contain the information provided for in section 5 of the Regulation respecting supplemental pension plans, by substituting the following information for that required, respectively, by paragraphs 7 to 10 of that section :

(1) the employer contribution provided for in the plan, where such contribution is greater than the contribution provided for in sections 39 of the Act and 54 of this Regulation ;

(2) a certificate that the value of the additional commitments and the change in the current service contribution referred to in paragraphs 4 and 6 were determined by using the same actuarial assumptions and methods as those used for the most recent actuarial valuation of the plan or, where the first or second of paragraph of section 52 so authorizes, the description of the changes made to such assumptions and methods.

(3) the certificate required, if any, pursuant to section 52 and the assumptions used for the purpose of estimating the degree of solvency referred to in the fifth paragraph of that section ;

(4) the maximum amount referred to in section 55.

The report shall also contain the following information :

(1) an attestation that the amendment to the plan was made after 30 December 2006 or before 31 December 2006 ;

(2) the basis used to determine the value of the additional commitments resulting from the amendment ;

(3) the amount, if any, of the special contribution determined in application of section 54.

Where the valuation is also intended to show that there exist surplus assets that may be appropriated for payment of employer contributions, the report shall also contain the information provided for in paragraphs 3, 4 and 5 of section 59.

59. A report related to a partial actuarial valuation referred to in section 55 shall contain the following information :

(1) the name of the plan and the number assigned to it by the Régie ;

(2) the valuation date ;

(3) the maximum amount of surplus assets that may be appropriated for payment of employer contributions until the date of the end of the fiscal year that follows the date of the actuarial valuation ;

(4) the certificate required pursuant to the second paragraph of section 55 ;

(5) la certification that, on the basis of funding, the value of the commitments was determined using the same actuarial assumptions and methods as those used for the most recent actuarial valuation of the plan ;

(6) the name of the signatory, his professional title, the name and address of his office and the date of his signature.

60. Every report on an actuarial valuation shall, In the case of a multi-employer pension plan, even not considered as such in application of section 11 of the Act, indicate whether at least 90% of the plan's active members are employees of employers referred to in the first paragraph of section 48.

61. Every certificate required for the purpose of an actuarial valuation referred to in this division shall be made on the basis of the probable financial situation of the plan at the valuation date, taking into account, notably, the real rate of return of the pension fund, the changes in interest rates on the basis of solvency and the contributions that have actually been paid since the last complete actuarial valuation of the plan.

62. The payment of amortization amounts determined in application of section 140 of the Act and payable after 31 December 2006 is no longer required. The plans referred to in this division are deemed to satisfy the second paragraph of section 121 of the Act until the date of the first complete actuarial valuation whose date is after 30 December 2006.

63. At the time of the first complete actuarial valuation whose date is after 30 December 2006, the sum determined in application of paragraph 4 of the second paragraph of section 137 of the Act pursuant to a prior actuarial valuation and the amortization amounts related to such sum shall be eliminated. Such elimination is carried out prior to the application of sections 133, 134 and 306.1.1 of the Act.

64. Sections 51 to 54 shall apply to amendments made after 30 December 2006, without regard to the effective date such amendments as well as to amendments whose effective date is after 30 December 2006.”.

2. Section 1 of the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act is amended by adding, after paragraph 1, the following paragraph:

“(1.1) The provisions mentioned in division IX of the Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act, made by Order in Council 1160-90, dated 8 August 1990, in accordance with the terms and conditions provided for in that division;”.

3. This Regulation comes into force on 1 January 2007.

7767

Draft Regulation

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Certain pension plans

— Exemption from the application of provisions of the Act

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of the Supplemental Pension Plans Act, the text of which appears below, may be made by the government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend the Regulation respecting the exemption of certain pension plans from the application of the Supplemental Pension Plans Act so as to allow plans referred to in section 14.1 of the Regulation to be amended in order to increase the benefits of members or beneficiaries, provided such amendments are entirely funded by paying into the pension fund a lump sum amount equal to the cost of such increase.

Further information may be obtained from Mr. Mario Marchand, at the Régie des rentes du Québec, Place-de-la-Cité, 2600, boulevard Laurier, Québec (Québec) G1V 4T3; tel.: 418 657-8732 ext. 3927; fax: 659-8985; e-mail: mario.marchand@rrq.gouv.qc.ca

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the period mentioned above, to Mr. Pierre Prémont, Presi-

dent and General Manager of the Régie des rentes du Québec, Place-de-la-Cité, 2600, boulevard Laurier, 5th Floor, Sainte-Foy (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment and Social Solidarity, who is responsible for the application of the Supplemental Pension Plans Act.

MICHELLE COURCHESNE,
Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 2, 2nd par.)

1. Section 14.7 of the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act is replaced with the following section:

“14.7. Unless made compulsory by law, no amendment having the effect of increasing the benefits of members or beneficiaries may be made to a pension plan so long as any amount determined in accordance with paragraph 1 of the first paragraph of section 14.6 with respect to such plan has not been fully amortized, unless a sum equal to the greater of the following values is paid into the pension fund:

(1) the value of the additional commitments resulting from the amendment, determined on the basis of funding;

(2) the value of such commitments, determined on the basis of solvency.

The sum shall be paid immediately upon transmission of the report on the actuarial valuation required under paragraph 2 of section 118 of the Supplemental Pension Plans Act to the Régie des rentes du Québec. To such sum shall be added accrued interest, if any, from the date of the valuation, calculated at the rate referred to in section 48 of the Act.

* The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, made by Order in Council 415-2004, dated 28 April 2004 (*G.O.* 2004, 2, 1543), was amended by the regulation made by Order in Council 987-2005, dated 19 October 2005 (*G.O.* 2005, 2, 4752).

Under these conditions, no unfunded actuarial liability and no sum determined in application of paragraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act have to be established as a result of the amendment.”.

2. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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| Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, signed at Paris on 17 December 2003 — Ratification and implementation (An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail, R.S.Q., c. M-15.001) | 2989 | N |
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| Supplemental Pension Plans Act — Exemption of certain pension plans from the application of provisions of the Act (R.S.Q., c. R-15.1) | 3007 | Draft |
| Supplementary benefits plans (An Act respecting the Pension Plan of Elected Municipal Officers, R.S.Q., c. R-9.3) | 3000 | Draft |
| Tariff of remuneration and expenses of election officers (Election Act, R.S.Q., c. E-3.3) | 2992 | N |
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