

Gouvernement du Québec

O.C. 842-99, 7 July 1999

An Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01)

Taking of effect of the Act respecting the civil aspects of international and interprovincial child abduction with regard to South Africa

WHEREAS under section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01), the Government, upon the recommendation of the Minister of Justice and, as the case may be, of the Minister responsible for Canadian Intergovernmental Affairs or the Minister of International Relations, shall designate by order published in the *Gazette officielle du Québec* any State, province or territory in which it considers that Québec residents may benefit from measures similar to those set out in the Act;

WHEREAS under the same section, the order shall indicate the date of the taking of effect of the Act for each State, province or territory designated in it;

WHEREAS by Order in Council 649-98 dated 13 May 1998, the Government designated South Africa as a State to which the Act respecting the civil aspects of international and interprovincial child abduction applies;

WHEREAS that Order in Council provides that the Act will take effect, with regard to South Africa, on a later date to be fixed by the Government;

WHEREAS it is expedient to fix the date of taking of effect of the Act with regard to that State;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice and the Minister of International Relations:

THAT the Act respecting the civil aspects of international and interprovincial child abduction take effect on 1 May 1999 with regard to South Africa.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 847-99, 7 July 1999

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63)

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)

**Agreement on Social Security and Administrative Arrangement
— Gouvernement du Québec and Government
of the Republic of Chile**

Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile and Administrative Arrangement for the application of that Agreement

WHEREAS an Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile and an Administrative Arrangement for the application of that Agreement were signed on 21 February 1997 in accordance with Order in Council 1382-96 dated 6 November 1996;

WHEREAS under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63), the Minister of Social Solidarity, in the exercise of his functions, may, in particular, enter into agreements in accordance with the law, with a government other than the Government of 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 under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), the Government may make regulations to 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 that Act shall apply to any case affected by an agreement entered into with another country;

WHEREAS under Order in Council 1118-93 dated 11 August 1993, proposed regulations and regulations concerning the implementation of reciprocal agreements in matters of social security entered into by the gouvernement du Québec are excluded from the application of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS under sections 19 and 20 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), the above-mentioned Agreement and Administrative Arrangement are international agreements that must be approved by the Government;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and Minister of Revenue, the Minister of International Relations and the Minister of Social Solidarity:

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile and the Administrative Arrangement for the application of that Agreement, entered into on 21 February 1997, the texts of which are attached to the implementing regulation mentioned below, be approved;

THAT the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile and the Administrative Arrangement for the application of that Agreement, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
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 Republic of Chile and the Administrative Arrangement for the application of that Agreement

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63, s. 10)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, ss. 9 and 96)

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

1. The Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and the regulations thereunder apply to any person defined in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile entered into on 21 February 1997 and appearing in Schedule I.

2. That Act and the regulations thereunder apply in the manner provided for in the Agreement and the Administrative Arrangement for its implementation, which appears in Schedule II.

3. This Regulation comes into force on 1 November 1999.

SCHEDULE I

UNDERSTANDING ON SOCIAL SECURITY
BETWEEN QUÉBEC AND CHILE

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC OF CHILE,

RESOLVED to guarantee to their respective nationals the advantages of the co-ordination of their social security legislation;

HAVE AGREED AS FOLLOWS:

PART I GENERAL PROVISIONS

Article 1

Definitions

1. In the Understanding, unless a different meaning is indicated by the context, the following definitions shall apply:

(a) “competent authority”: for Québec, the Minister responsible for the application of the legislation referred to in Article 2; and, for Chile, the Minister of Labour and Social Welfare (*el Ministro del Trabajo y Previsión*);

(b) “competent institution”: for Québec, the department or agency of Québec responsible for the application of the legislation referred to in Article 2; and, for Chile, the institution or agency responsible, as the case may be, for the application of the legislation referred to in Article 2;

(c) “legislation”: laws, regulations and legal provisions concerning the branches and social security plans referred to in Article 2;

(d) “period of insurance”: for Québec, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent; and, for Chile, any period of contribution or its equivalent necessary to acquire entitlement to benefits under the legislation of Chile;

(e) “benefit”: any benefit in cash provided under the legislation of each Party, including any extension, supplement or increase thereto;

(f) “national”: for Québec, a person of Canadian citizenship who is or has been subject to the legislation referred to in Article 2 (1) (a); and, for Chile, a person the political Constitution declares of Chilean nationality.

2. Any term not defined in the Understanding shall be understood as having the meaning given to it in the applicable legislation.

Article 2

Material Scope

1. The Understanding shall apply:

(a) to the legislation of Québec concerning the Québec Pension Plan;

(b) to the legislation of Chile concerning:

i. the New Old Age, Disability and Survivors Benefits Plan Based on Individual Capitalization (*Nuevo Sistema de Pensiones de vejez, invalidez y sobrevivencia basada en la capitalización individual*);

ii. to old age, disability and survivors benefits administered by the Institute of Welfare Standardization (*Instituto de Normalización Previsional*);

iii. health benefit plans, for the sole purposes stipulated in Article 15.

2. The Understanding shall apply also to any legislative or regulatory provision which modifies, adds to, or replaces the legislation referred to in paragraph 1.

3. The Understanding shall apply also to legislative or regulatory provisions of one Party which extend the existing plans to new categories of beneficiaries or new benefits; however, this Party may, within three months of the date of the official publication of such provisions notify the other Party that the Understanding shall not apply.

4. The Understanding shall not apply to legislative or regulatory provisions which cover a new branch of social security, unless the Understanding is amended to that effect.

Article 3

Personal Scope

Unless otherwise provided, the Understanding shall apply to every person who is or has been subject to the legislation of one of the Parties or who has been subject to this legislation and has acquired rights pursuant thereto, as well as to persons sharing the derived rights of that person.

Article 4

Equality of Treatment

Unless otherwise provided in the Understanding, persons designated in Article 3 shall, in the application of the legislation of one Party, receive the same treatment as the nationals of that Party.

Article 5

Export of Benefits

1. Unless otherwise provided in the Understanding, any benefit acquired under the legislation of one Party, as well as benefits acquired under the Understanding,

may not be subject to reduction, modification, suspension or suppression solely because the beneficiary resides permanently or temporarily in the territory of the other Party, and such benefit shall be payable in the territory of the other Party.

2. Any benefit which, under the Understanding, is payable by one Party in the territory of the other Party shall also be payable outside the territory of both Parties under the same conditions the first Party applies to its nationals under its internal legislation.

PART II

PROVISIONS ON THE APPLICABLE LEGISLATION

Article 6

General Rule

Unless otherwise provided in the Understanding and subject to Articles 7, 8, 9, 10 and 11, persons shall be subject only to the legislation of the Party in whose territory they are working.

Article 7

Self-employed Persons

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

Article 8

Seconded Persons

1. Persons subject to the legislation of one Party and temporarily seconded by their employer, for a period not exceeding sixty months, to the territory of the other Party shall, with respect to such work, be subject only to the legislation of the first Party during the term of their secondment.

2. However, if the time required to complete the work comes to exceed the initially provided sixty months, the legislation of the first Party may continue to apply provided that the competent institution of Québec and the competent authority of Chile give their approval.

Article 9

Travelling Personnel Employed in International Maritime or Air Transport

1. Persons working in the territory of both Parties as travelling personnel for an international carrier which, on behalf of others or on its own account, transports

passengers or goods, by air or by sea, and which has its registered office in the territory of one Party, shall, with respect to such work, be subject only to the legislation of this Party.

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

3. Notwithstanding the provisions in paragraphs 1 and 2, if those persons are employed mainly in the territory of the Party where they are resident, they shall be subject, with respect to such work, to the legislation of that Party, even if the undertaking which employs them has neither its registered office nor a branch or permanent agency in that territory.

Article 10

Persons in Government Service

1. Persons in government service for one of the Parties and assigned to a post in the territory of the other Party shall be subject only to the legislation of the first Party for all matters with respect to that post.

2. Persons residing in the territory of one Party and being in that territory in government service for the other Party shall, with respect to that service, be subject only to the legislation which applies in that territory. However, if those persons are nationals of the Party by which they are employed, they may, within six months from the beginning of their employment or from the coming into force of the Understanding, choose to be subject only to the legislation of that Party.

3. No provision of the Understanding may be interpreted as being contrary to the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or to the provisions of the Vienna Convention on Consular Relations of April 24, 1963, with respect to the legislation referred to in Article 2.

Article 11

Derogation from the Provisions on Coverage

The competent authorities of both Parties may, at the request of a worker or an employer, derogate by common agreement from the provisions of Articles 6, 7, 8, 9 and 10 with respect to any persons or categories of persons.

PART III PROVISIONS ON BENEFITS

Article 12

Totalization of Periods

1. When the legislation of one Party requires the completion of certain periods of insurance for entitlement to, maintenance of or recovery of the right to benefits, the periods completed under the legislation of the other Party shall be totalized if necessary with the periods completed under the legislation of the first Party, provided they do not overlap.

2. For the application of paragraph 1, the competent institution of Québec shall proceed as follows:

(a) it shall recognize a year for which contributions have been made when the competent institution of Chile certifies that those persons have been credited with a period of insurance of at least three months in a calendar year under the legislation of Chile, provided the year has been included in the contributory period as defined in the legislation of Québec;

(b) it shall totalize the years recognized under subparagraph (a) with periods of insurance completed under the legislation of Québec.

3. For the application of paragraph 1, the competent institution of Chile shall proceed as follows:

(a) it shall recognize fifty-two weeks for which contributions have been paid under the legislation of Chile for each period of insurance certified by the competent institution of Québec;

(b) if persons are not entitled to benefits despite the application of subparagraph (a), it shall recognize a week of contribution under the legislation of Chile when the week is considered a week of residence under the terms of the Old Age Security Act which applies in the territory of Québec, provided that week is not part of a period of insurance completed under the legislation of Québec;

(c) it shall totalize the weeks recognized under subparagraphs (a) and (b) with periods of insurance completed under the legislation of Chile.

Article 13

Benefits under the Legislation of Québec

1. If persons who have been subject to the legislation of both Parties meet the requirements for entitlement to benefits, for themselves or for their dependants, survi-

vors or other rightful claimants, under the legislation of Québec without having recourse to the totalization referred to in Article 12, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the legislation it applies.

2. When the totalization prescribed in Article 12 entitles persons to benefits, the competent institution of Québec shall determine the amount payable as follows:

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

(b) the amount of the flat-rate portion of the benefit payable under the provisions of this Understanding shall be determined by multiplying:

the amount of the flat-rate portion of the benefit determined under the provisions of the Québec Pension Plan

by

the fraction which represents the ratio of the periods of contribution to the Québec Pension Plan in relation to the contributory period as defined in legislation concerning the Plan.

Article 14

Benefits under the Legislation of Chile

1. If persons who have been subject to the legislation of both Parties meet the requirements for entitlement to benefits, for themselves or persons sharing rights derived from their rights, under the legislation of Chile without having recourse to the totalization referred to in Article 12, the competent institution of Chile shall determine the amount of benefits in accordance with the provisions of the legislation it applies.

2. Members of a pension management corporation (*Administradora de Fondos de Pensiones*) shall finance their pensions in Chile with the balance accumulated in their individual capitalization accounts. When the balance is insufficient to finance benefits at least equal to those of the minimum pension guaranteed by the State, members shall be entitled to the totalization of the periods taken into account under Article 12 for entitlement to the minimum old age pension or disability pension. The beneficiaries of survivors pensions shall have the same right.

3. To determine whether the conditions required by Chilean legal provisions concerning early retirement in the New Pension Plan are met, members who have ob-

tained a pension under the legislation of Québec shall be considered pensionable for the social welfare plans referred to in paragraph 5.

4. Members of the New Pension Plan of Chile (*Nuevo Sistema de Pensiones*) may contribute voluntarily to this plan as independent workers during their period of residence in Québec, providing they also comply with the legislation of this Party with respect to the obligation to contribute. Persons choosing to exercise this right shall be exempt from the obligation of paying the contribution intended to finance Chilean health benefits.

5. When persons referred to in paragraph 1 are covered by a pension plan administered by the Institute of Welfare Standardization (INP) and they do not warrant a period of insurance sufficient to entitlement to benefits payable by this plan, the competent institution shall apply the totalization of periods in accordance with Article 12.

6. For the application of paragraphs 2 and 5:

(a) the competent institution shall determine the amount of benefits as if all periods of insurance had been completed under its own legislation and, for the purposes of payment of benefits, it shall calculate the amount it pays on the basis of the ratio between periods of insurance completed exclusively in Chile and total periods completed under the legislation of the two Parties;

(b) when the sum of the periods of insurance under the respective legislations of both Parties exceeds the period established in Chilean legislation to be entitled to a full pension, the excess periods shall not be considered for the purposes of this calculation;

(c) when entitlement to benefits is acquired with the totalization solely of periods of insurance recognized under Article 12 (3) (a), the creditable period under the Old Age Security Act which applies in the territory of Québec shall not be taken into account for the calculation of the benefit payable.

7. For eligibility for benefits provided by the legislation concerning pension plans administered by the Institute of Welfare Standardization (INP), persons who contribute to the Québec Pension Plan or whose entitlement to a pension is recognized under the legislation of Québec shall be considered current contributors to the Chilean pension plan applicable to them.

Article 15

Health Benefits for Pension Beneficiaries

Persons who benefit from a pension under the legislation of Québec and who reside in Chile shall be entitled to contribute to Chilean health benefit plans under the same conditions as Chilean retirees.

PART IV

MISCELLANEOUS PROVISIONS

Article 16

Administrative Arrangement

1. The competent authorities of the two Parties shall set out the terms and conditions for the application of the Understanding in an Administrative Arrangement.

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

Article 17

Claim for Benefits

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

2. A claim for a benefit filed under the legislation of one Party after the date of the coming into force of this Understanding shall be deemed to be a claim for a corresponding benefit under the legislation of the other Party, provided the claimant so indicates or indicates that he has completed the periods of insurance under the legislation of the other Party.

The date of receipt of such a claim shall be deemed to be the date on which that claim was received by the other Party. However, this shall not apply if the claimant expressly requests that the allocation of the benefit provided for by the legislation of the other Party be deferred.

Article 18

Payment of Benefits

1. Benefits shall be payable directly to the person to whom they are owing, in the currency of the Party making the payment or in the common currency of the place of residence of this person, without any deduction for administrative charges or for any other expenses incurred in paying the benefits.

2. For the application of paragraph 1, when it is necessary to convert currency, the conversion rate shall be the rate of exchange in effect on the day payment is made.

Article 19

Time Limit for Filing

1. A request, a declaration, an appeal or a claim which, under the legislation of one Party, must be filed within a prescribed time with the authority or institution of that Party shall be accepted if filed within the same time limit with the corresponding authority or institution of the other Party. In such a case, the authority or institution of the second Party shall forward the request, declaration, appeal or claim immediately to the authority or institution of the first Party.

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

Article 20

Medical Reports

1. At the request of the competent institution of one Party, the competent institution of the other Party shall make the necessary arrangements for providing medical reports required for persons residing temporarily or permanently in the territory of the latter Party.

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

3. When medical reports are required by the competent institution of Chile, their cost shall be financed according to provisions in the legislation of Chile.

With respect to members of the New Pension System of Chile, the part of the cost to be borne by the worker shall be deducted from the balance of the individual capitalization account by the competent institution.

4. When new medical reports are required to appeal a decision on disability by Chile, the cost of these medical reports shall be borne in the manner provided for in paragraph 3.

Article 21

Exemption from Fees and Certification

1. Any exemption from or reduction of fees provided for in the legislation of one Party with respect to the issuing of a certificate or document required for the

application of that legislation shall be extended to the certificates and documents required for the application of the legislation of the other Party.

2. Any document required for the application of the Understanding shall be exempt from certification by diplomatic or consular authorities or from any similar formality.

Article 22

Protection of Personal Information

1. In this Article, the word “information” shall mean any indication from which the identity of an individual or legal entity can be easily established.

2. Unless disclosure is required under the legislation 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 Understanding.

3. Access to a file containing information shall be subject to the legislation of the Party on whose territory the file is located.

Article 23

Mutual Assistance

The competent authorities and institutions shall:

(a) communicate to each other any information required for the application of the Understanding;

(b) assist each other free of charge in any matter concerning the application of the Understanding, subject to the provisions of Article 20;

(c) forward to each other any information on measures adopted for the application of the Understanding or on amendments to their legislation to the extent that such amendments affect the application of the Understanding;

(d) notify each other of any difficulties encountered in the interpretation or the application of the Understanding.

Article 24

Reimbursement between Institutions

1. The competent institution of one Party shall reimburse to the competent institution of the other Party the costs pertaining to each medical report produced in accordance with Article 20. However, the transmission of medical or other information already in the possession

of the competent institutions shall constitute an integral part of administrative assistance and shall be performed without charge.

2. The Administrative Arrangement shall provide for the terms and conditions of the reimbursement of costs referred to in paragraph 1.

Article 25

Communication

1. The competent authorities and institutions and the liaison agencies of both Parties may communicate with one another in their official language.

2. A decision of a tribunal or of an institution may be communicated directly to a person residing in the territory of the other Party.

Article 26

Settlement of Disputes

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

2. Questions not resolved by the application of paragraph 1 shall be the subject of consultation between the Parties, immediately, at the request of one Party.

3. If a dispute between the Parties concerning the interpretation of the Understanding cannot be resolved or settled by the consultation prescribed in paragraphs 1 or 2, it shall be referred, at the request of one Party, to an arbitration board.

4. Unless the Parties decide otherwise by common agreement, the arbitration board shall be comprised of three arbitrators, each Party appointing one of them and the latter, having been appointed, appointing a third arbitrator who shall act as chairman. If the two arbitrators cannot agree, the head of the International Court of Justice shall be invited to appoint the chairman.

5. The arbitration board shall determine its own procedures.

6. The decision of the arbitration board shall be final and binding on both Parties.

PART V

TRANSITIONAL AND FINAL PROVISIONS

Article 27

Transitional Provisions

1. The Understanding shall not confer any right to the payment of benefits for a period before the date of its coming into force.

2. For the application of Part III and subject to the provisions of paragraph 1 of this Article:

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

(b) benefits, other than death benefits, shall be owing under the Understanding even if related to an event prior to the date of its coming into force;

(c) when benefits are payable in application of Article 12 and when the claim for such benefits is filed within two years from the date of the coming into force of the Understanding, rights arising from the Understanding shall be acquired:

i. from the date of the coming into force of the Understanding if the event creating entitlement to benefits occurs before the date of the coming into force; or

ii. from the date of the said event if it occurred after the date of the coming into force of this Understanding;

and this, notwithstanding the provisions of the legislation of both Parties concerning the forfeiture of rights;

(d) benefits granted before the date of the coming into force of the Understanding shall be revised, at the request of the person concerned. They may also be revised automatically. If the revision leads to benefits lower than those paid before the coming into force of the Understanding, the amount of the benefits previously paid shall be maintained;

(e) if a claim referred to in sub-paragraph (d) is filed within two years of the date of the coming into force of the Understanding, rights arising from the Understanding shall be acquired from that date, notwithstanding the provisions of the legislation of both Parties concerning the forfeiture of rights;

(f) if a claim referred to in sub-paragraph (d) is filed after the time limit of two years from the coming into force of the Understanding, rights which are not for-

feited shall be acquired from the date of the claim, unless there are more favorable provisions in the applicable legislation.

3. For the application of Article 8, a person already seconded on the date of the coming into force of the Understanding shall be deemed to have become seconded on that date.

Article 28

Coming into Force

The Understanding shall come into force on the first day of the fourth month after each Party has notified the other Party that all internal legal procedures required for the coming into force of the Understanding have been completed.

Article 29

Duration of the Understanding and Denunciation

1. The Understanding shall be entered into for an indefinite duration. It may be denounced at any time by either Party by twelve months prior notice in writing to the other Party, in which case the Understanding shall expire on the last day of that period.

2. If the Understanding is terminated by denunciation, all rights acquired by a person under the provisions of the Understanding shall remain in effect, and the competent authorities of the Parties shall conclude a protocol to ensure that all rights being acquired under the Understanding are respected.

Done at Montréal on February 21, 1997, in duplicate, in French and in Spanish, both texts being equally authentic.

For the Gouvernement
du Québec

For the Government of the
Republic of Chile

SYLVAIN SIMARD,
Minister

RODRIGO DIAZ,
Ambassador

SCHEDULE II

ADMINISTRATIVE ARRANGEMENT FOR THE APPLICATION OF THE UNDERSTANDING ON SOCIAL SECURITY BETWEEN QUÉBEC AND CHILE

CONSIDERING Article 16 of the Understanding on Society Security between the Gouvernement du Québec and the Government of the Republic of Chile;

Desirous of giving application to the Understanding,

The competent authorities of Québec and of Chile:

For Québec,

the Minister responsible for the application of the legislation referred to in Article 2 of the Understanding;

For the Republic of Chile,

the Minister of Labour and Social Welfare;

HAVE AGREED AS FOLLOWS:

Article 1

In this Administrative Arrangement,

(a) the term “Understanding” shall mean the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile signed on February 21, 1997;

(b) all other terms shall have the meaning given to them in Article 1 of the Understanding.

Article 2

Liaison Agencies

1. In accordance with the provisions of paragraph 2 of Article 16 of the Understanding, the liaison agencies designated by each of the Parties shall be:

(a) For Québec, the Direction des équivalences et de l’administration des ententes de sécurité sociale of the Ministère des Relations avec les citoyens et de l’Immigration or any other agency that the competent authority of Québec may subsequently designate;

(b) For Chile,

i. the Superintendency of Pension Management Corporations (*Superintendencia de Administradoras de Fondos de Pensiones*), for persons who are members of the New Pension Plan;

ii. the Superintendency of Social Security (*Superintendencia de Seguridad Social*), for persons who are members of plans administered by the Institute of Welfare Standardization (*Instituto de Normalización Previsional*).

2. The liaison agencies may communicate directly with one another and with the person concerned or his representatives and shall provide mutual assistance for the application of the Understanding.

Article 3

Competent Institutions

The competent institutions responsible for the application of the Understanding and of this Administrative Arrangement are:

A. For Québec,

(a) the Régie des rentes du Québec;

(b) for the application of Part II of the Understanding, the Ministère du Revenu.

B. For Chile,

(a) for pensions,

i. the pension management corporations for members of the New Pension System;

ii. the Institute of Welfare Standardization, for members of the old welfare systems;

(b) for the determination of disability,

i. the competent Medical Commission of the Surintendency of Pension Management Corporations, for members of the New Pension System;

ii. the Preventive Medicine and Disability Commission of the competent health service, for members of the Institute of Welfare Standardization;

iii. the Preventive Medicine and Disability Commission of the central health service, for members of the old welfare plan who do not reside in Chile and for those who are not members of a social welfare plan in that country;

(c) for the payment of health contributions referred to in Article 15 of the Understanding,

i. the health welfare institutions (*Instituciones de Salud Previsional*), or

ii. the National Health Fund (*Fondo Nacional de Salud*).

Article 4

Certificates

1. For the application of Articles 7 to 11 of the Understanding, when a person remains subject to the legislation of one Party while working in the territory of the other Party, the liaison agency shall issue to him, at his

request or that of his employer, a certificate attesting that he remains subject to the legislation of the first Party.

The certificates shall be issued

(a) by the liaison agency of Québec, when the person remains subject to the legislation of Québec;

(b) by the liaison agency of Chile that corresponds to the membership of the person who is working.

2. The liaison agency that issues the certificate shall send a copy thereof to the other liaison agency referred to in paragraph 1, to the person concerned and, as the case may be, to his employer.

Article 5

Benefits

1. For the application of Part III of the Understanding, a claim for benefits under the Understanding may be filed with the liaison agency of either Party, or with the competent institution whose legislation applies.

2. When a claim for benefits referred to in paragraph 1 is filed with a liaison agency, that agency shall send the claim immediately to the competent institution of the party whose legislation is applicable, together with the required supporting documents.

3. The competent institution of a Party that receives a claim for benefits referred to in paragraph 2 of Article 17 of the Understanding shall send it to the liaison agency of the same party. The liaison agency shall send the claim to the competent institution of the other Party, together with the required supporting documents.

4. Any information concerning civil status entered on a claim form shall be certified by the liaison agency sending the claim, which shall then be exempt from forwarding the supporting documents.

5. Any original document or copy thereof shall be kept by the liaison agency with which it was initially filed and a copy shall, upon request, be made available to the competent institution of the other Party.

6. The claim shall be accompanied by a liaison form on which the date of the official receipt of the claim shall be indicated.

7. When the competent institution or the liaison agency of one Party so requires, the liaison agency or the competent institution of the other Party shall indicate on the liaison form the periods of insurance recognized under the legislation it applies.

8. As soon as decisions have been made pursuant to the legislation it applies, a competent institution shall so notify claimants and inform them about appeals and time limits for such appeals prescribed by that legislation; the institution shall also inform the liaison agency of the other Party about the decisions by means of the liaison form.

9. Persons who do not reside in the territory of either Party may file their claims

(a) for benefits of Québec, with the competent institution of Québec or the liaison agency of Chile;

(b) for benefits of Chile, with one of the liaison agencies of Québec or of Chile.

Article 6

Reimbursement between Institutions

1. For the application of Article 24 of the Understanding, at the end of each calendar year, when the competent institution of one Party has procured medical reports at the expense of the competent institution of the other Party, the liaison agency of the first Party shall send to the liaison agency of the other Party a fee statement for the medical reports procured during the year in question, indicating the amount owing. The statement shall be accompanied by supporting documents.

2. The liaison agency of Québec shall send a fee statement to the liaison agency concerned of Chile, according to whether it involves members of the New Pension System or members of plans administered by the INP.

Article 7

Forms

Any forms or other documents required to implement the procedures prescribed by the Administrative Arrangement shall be determined by common agreement by the competent institutions and the liaison agencies responsible for the application of the Understanding for each of the Parties.

Article 8

Health Benefits for Pensioners

1. For the application of Article 15 of the Understanding, the status of pensioner of the Québec Pension Plan shall be certified by submitting to any liaison agency of Chile a certificate issued by the competent institution of Québec on which is indicated the date the pension began and its current amount.

2. The liaison agency of Chile to which the certificate referred to in paragraph 1 is submitted shall convert the amount of the pension into Chilean currency and shall enter this information on a special form for this purpose and with which the person concerned will be able to make contributions for health insurance to the corresponding agency.

Article 9

Statistics

The liaison agencies of both Parties shall exchange, in the form agreed upon, statistical data concerning the payments made to beneficiaries pursuant to the Understanding for each calendar year. Such data shall include the number of beneficiaries and the total amount of benefits, by benefit category.

Article 10

Coming into Force and Denunciation

The Administrative Arrangement shall come into force on the same date as the Understanding and shall be of the same duration. The denunciation of the Understanding carries the denunciation of the Administrative Arrangement.

Done at Montréal, on February 21, 1997, in duplicate, in French and in Spanish, both texts being equally authentic.

For the competent
authority of the
Gouvernement du Québec

For the competent
authority of the
Government of the
Republic of Chile

SYLVAIN SIMARD

RODRIGO DIAZ

2976

M.O., 1999

Order of the Minister of Municipal Affairs and Greater Montréal dated 2 July 1999 concerning the Regulation to amend the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums

An Act respecting elections and referendums
in municipalities
(R.S.Q., c. E-2.2)

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER
MONTRÉAL,