

16. Schedule V is amended

(1) by substituting, on the front of the statement of offence,

“SENTENCE	Minimum sentence	Costs	Contribution						
	\$	+	\$	+	\$	=	\$	◀	Amount requested”

for

“PENALTY	Minimum fine	Costs							
	\$	+	\$			=	\$	◀	Amount payable”

(2) by substituting, on the back of the statement of offence,

(a)

“ - pay (in Canadian funds) the total amount of the fine, the costs and, where applicable, the contribution.

The contribution is used to provide assistance to victims of crime under article 8.1 of the Code of Penal Procedure.”

for

“ - pay (in Canadian funds) the whole amount of the fine and costs requested.”;

(b)

“Unless the total amount of the fine, the costs and the contribution is transmitted together with this plea, additional costs may be imposed.”

for

“Unless the whole amount of the fine and costs requested is submitted together with this plea, additional costs may be imposed.”;

(c)

“FAILURE TO TRANSMIT A PLEA AND THE AMOUNT OF THE FINE AND COSTS”

for

“FAILURE TO TRANSMIT A PLEA AND THE WHOLE AMOUNT REQUESTED”.

17. Statement of offence forms printed in accordance with the provisions of the Regulation respecting the form of statements of offence, made by Order in Council 1211-97 dated 17 September 1997, may continue to be used taking into account, where applicable, the provisions of articles 146 and 148 of the Code of Penal Procedure, as amended by sections 2 and 3 of the Act to amend the Code of Penal Procedure (2002, c. 78).

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

5950

Gouvernement du Québec

O.C. 976-2003, 17 September 2003

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)

Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of the Netherlands

— **Ratification**
— **Implementation**

Ratification of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of the Netherlands and enactment of the Regulation respecting the implementation of that Agreement

WHEREAS Décret 1374-99 dated 8 December 1999 authorized the Minister of International Relations to sign alone the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of the Netherlands;

WHEREAS the Agreement was signed at Québec on 4 December 2001;

WHEREAS the purpose of the Agreement is to coordinate the pension plan of Québec and the pension plan of the Netherlands in order to mitigate the disadvantages caused by the migration of persons;

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 his 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 the 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 the 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, by regulation, determine the manner in which the Act shall apply to any case affected by an agreement entered into with another country;

WHEREAS the Agreement constitutes an international commitment within the meaning of section 19 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), amended by section 4 of chapter 8 of the Statutes of 2002;

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, enacted by section 6 of chapter 8 of the Statutes of 2002;

WHEREAS, under the third paragraph of section 20 of the Act respecting the Ministère des Relations internationales, introduced by paragraph 2 of section 5 of chapter 8 of the Statutes of 2002, the 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, enacted by section 6 of chapter 8 of the Statutes of 2002, 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 18 December 2002;

WHEREAS, under Order in Council 1118-93 dated 11 August 1993, the 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);

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

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of the Netherlands, signed at Québec on 4 December 2001 and approved by the National Assembly on 18 December 2002, the text of which appears as a Schedule to the Regulation respecting the implementation mentioned hereafter, be ratified;

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

ANDRÉ DICAIRE,
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 Kingdom of the Netherlands

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, 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 made thereunder shall apply to any person referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of the Netherlands, signed at Quebec on 4 December 2001, and appearing as Schedule I.

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

3. This Regulation comes into force on 1 January 2004.

SCHEDULE I

AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS

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

HAVE AGREED AS FOLLOWS :

TITLE I GENERAL

ARTICLE 1 DEFINITIONS

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

(a) “competent authority” : as regards Québec, the Minister responsible for the administration of the statutes referred to in Article 2 and as regards the Netherlands, the Minister responsible for the administration of the statutes referred to in Article 2 ;

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

(c) “period of insurance” : as regards Québec, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent ; and, as regards the Netherlands, any period of contribution, insurance, employment or residence under the statutes referred to in Article 2 ;

(d) “benefit” : a pension, an annuity, a lump-sum grant or any other benefit in cash provided under the statutes of each Party, including any extension, supplement or increase thereto under the statutes referred to in Article 2 ;

(e) “national” : as regards Québec, a person of Canadian citizenship who is or who has been subject to the statutes referred to in Article 2 (1) a ; and, as regards the Netherlands, a person of Netherlands nationality ;

(f) “territory” : as regards the Netherlands, the territory of the Kingdom in Europe ;

(g) “statutes” : the statutes referred to in Article 2 ;

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

ARTICLE 2 MATERIAL SCOPE

1. The Agreement shall apply

(a) as regards Québec, to the Act respecting the Québec Pension Plan with respect to retirement, disability and survivors' benefits and the regulations made under that Act ;

as regards the Netherlands, to the statutes concerning

- i. general old age insurance ;
- ii. general survivors' insurance ;
- iii. disability insurance for self-employed workers ; and
- iv. disability insurance for employees ;

and, for the purposes of Article 8, Article 9 (1) and (2), and Article 10 (1) and (2),

- v. the statutes concerning health insurance, including an employer's obligation to pay a per diem allowance in case of sickness under the Civil Code of the Netherlands ;
- vi. unemployment insurance ; and
- vii. family allowances.

2. Subject to the provisions of paragraphs 3 and 4, the Agreement shall equally apply to any statutory or regulatory act which modifies, adds to or replaces the statutes referred to in paragraph 1.

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

4. The Agreement shall not apply to a statutory or regulatory act which covers a new branch of social security not referred to in paragraph 1, unless the Agreement is modified to that effect.

5. As regards the Netherlands, the Agreement shall not apply to social and medical assistance plans, to special plans for public servants or persons considered as such, or to benefit plans for victims of war or its consequences.

ARTICLE 3 PERSONAL SCOPE

Unless otherwise provided, the Agreement shall apply to the nationals of the Parties, to the persons who are or who have been subject to the statutes of either Party, and to the successors of such persons.

ARTICLE 4 EQUAL TREATMENT

1. With respect to the statutes of Québec, all persons referred to in Article 3 shall be subject to the obligations of those statutes and shall be eligible for their benefits without regard to their nationality.

2. With respect to the statutes of the Netherlands, unless otherwise provided in the Agreement,

(a) nationals of Québec ;

(b) refugees, as defined by the Convention of 28 July 1951 Relating to the Status of Refugees and by the Protocol of 31 January 1967 to that Convention ;

(c) stateless persons, as defined by the Convention of 28 September 1954 Relating to the Status of Stateless Persons ;

(d) other persons insofar as they derive rights from one of the persons listed in subparagraph *a, b* or *c* ;

shall be subject to the obligations of those statutes and shall be eligible for their benefits under the same conditions as nationals of the Netherlands.

ARTICLE 5 EXPORT OF BENEFITS

1. Unless otherwise provided in the Agreement, any old age, disability or survivors' benefits referred to in Article 2 (1) *a* and Article 2 (1) *b i, ii, iii* and *iv*, acquired under the statutes of one Party, as well as any such benefits acquired under the Agreement, shall not be subject to any reduction, modification, suspension, suppression or confiscation by reason only of the fact that the beneficiary resides in or is staying in the territory of the other Party, and such benefits shall be payable in the territory of the other Party.

2. Any benefit payable under the Agreement by one Party in the territory of the other Party shall also be payable outside the territory of both Parties, under the same conditions that the first Party applies to its nationals under its own statutes.

TITLE II APPLICABLE STATUTES

ARTICLE 6 GENERAL RULE

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

ARTICLE 7 SELF-EMPLOYED PERSONS

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

ARTICLE 8
DETACHED PERSONS

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

ARTICLE 9
TRAVELLING PERSONNEL EMPLOYED IN INTERNATIONAL TRANSPORT

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

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

3. Notwithstanding the two preceding paragraphs, if the persons are employed wholly or mainly in the territory of a Party, and if they reside in the territory of that Party, they shall, with respect to such work, be subject only to the statutes of that Party.

ARTICLE 10
PERSONS IN THE PUBLIC SERVICE

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

2. Persons residing in the territory of one Party and who are in the Public Service for the other Party in that territory shall, with respect to that service, be subject only to the statutes which apply to that territory.

ARTICLE 11
DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent authorities of both Parties or of the institutions designated by those authorities may, by common agreement, derogate from the provisions of

Articles 6, 7, 8, 9 and 10 with respect to any persons or category of persons.

ARTICLE 12
COVERAGE UNDER THE STATUTES OF THE NETHERLANDS

For the purposes of the statutes of the Netherlands, persons subject to the statutes of the Netherlands in accordance with the provisions of this Title are considered residents of the Netherlands.

TITLE III
BENEFITS**ARTICLE 13**
PRINCIPLE OF TOTALIZATION

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

2. If a person is not entitled to benefits on the basis of the totalization provided for in paragraph 1, the periods of insurance completed under the statutes of a third party that is related to each of the Parties by a legal instrument respecting social security and making provisions for the totalization of periods of insurance shall be taken into account to determine if the person is entitled to benefits, in accordance with the provisions of this Title.

ARTICLE 14
BENEFITS UNDER QUÉBEC STATUTES

1. If persons who have been subject to the statutes of either Party meet the requirements for entitlement to benefits, for themselves, for their dependants, survivors or successors, under Québec statutes, without having recourse to the totalization referred to in Article 13, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the statutes it applies.

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

(a) recognize one year of contribution when the competent institution of the Netherlands certifies that a

period of insurance of at least three months has been credited in a calendar year under the statutes of the Netherlands, provided that the year is included in the contributory period as defined in Québec statutes ;

(b) totalize years recognized under subparagraph *a* with periods of insurance completed under Québec statutes, in accordance with Article 13.

3. When the totalization provided for in paragraph 2 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 statutes of Québec ;

(b) the amount of the flat-rate portion of the benefit payable is adjusted in proportion to the period for which contributions were paid under the provisions of the statutes of Québec in relation to the contributory period as defined in those statutes.

ARTICLE 15 BENEFITS UNDER THE STATUTES OF THE NETHERLANDS

If persons who have been subject to the statutes of both Parties meet the requirements for entitlement to benefits, for themselves or for their dependants, survivors or successors, under the statutes of the Netherlands without having recourse to the totalization referred to in Article 13, the competent institution of the Netherlands shall determine the amount of the benefits in accordance with the provisions of the statutes it applies.

ARTICLE 16 BENEFITS UNDER THE INCAPACITY INSURANCE ACTS

1. Subject to the provisions of paragraph 2, the national of one Party or the person referred to in Article 4 (2) *b* or *c* who, at the time when incapacity for work followed by disability occurred, had previously completed a total period of insurance at least equal to 12 months under the statutes of the Netherlands as they regard disability insurance shall be entitled to the benefits determined in accordance with the latter statutes and calculated according to the provisions of Article 17.

2. Paragraph 1 applies provided that the entitlement to a disability benefit is established under the statutes referred to in Article 2 (1) *a*, considering, if necessary, the application of Article 13, or that the entitlement is established in the absence of an entitlement to a full replacement indemnity under the Québec occupational health and safety plan.

ARTICLE 17 CALCULATION FOR THE PURPOSES OF ARTICLE 16

1. If entitlement to a benefit is established through the application of Article 16, the amount of the benefit payable shall be calculated in proportion to the ratio obtained by dividing the total length of the periods of insurance completed by the person concerned after reaching the age of 15 under the statutes of the Netherlands by the period between the date on which the person reached the age of 15 and the date of incapacity for work followed by disability.

2. If, at the time when incapacity for work followed by disability occurred, the person concerned was an employee, the benefit payable shall be determined according to the provisions of the Incapacity Insurance Act of 18 February 1966 (WAO). In any other case, the benefit payable is determined according to the Self-Employed Persons Disablement Benefits Act of 24 April 1997 (WAZ).

3. The periods of insurance recognized under the statutes of the Netherlands are

(a) periods of insurance during employment, completed under the Incapacity Insurance Act of 18 February 1966 (WAO) ;

(b) periods of insurance during employment, completed under the General Incapacity Insurance Act of 11 December 1975 (AAW) ;

(c) periods of insurance completed under the Self-Employed Persons Disablement Benefits Act of 24 April 1997 (WAZ) ; and

(d) periods of employment, and periods treated as such, completed in the Netherlands before 1 July 1967.

4. For the purposes of the first sentence of paragraph 2, when a period of insurance completed under the WAO coincides with a period of insurance completed under the AAW and/or WAZ, only the period completed under the WAO shall be taken into account.

5. For the purposes of the second sentence of paragraph 2, when a period of insurance completed under the AAW and/or WAZ coincides with a period of insurance completed under the WAO, only the period completed under the AAW and/or WAZ shall be taken into account.

ARTICLE 18
BENEFITS UNDER THE GENERAL OLD AGE
PENSIONS STATUTES

1. The competent institution of the Netherlands shall determine the old age pension directly and exclusively on the basis of the periods of insurance completed under the Netherlands General Old Age Pensions Act.

2. Subject to paragraph 3, periods before 1 January 1957 during which a national of one Party or a person referred to in Article 4 (2) *b*, *c* or *d* resided in the territory of the Netherlands after reaching the age of 15 or during which, while residing in another country, those persons were gainfully employed in the Netherlands shall also be considered as periods of insurance if the person does not satisfy the conditions of the statutes of the Netherlands with respect to such periods being treated as periods of insurance.

3. The periods referred to in paragraph 2 shall be taken into consideration in the calculation of the old age pension only if the person has been insured within the meaning of Article 6 of the Netherlands General Old Age Pensions Act and the person has resided for at least six years in the territory of one or both Parties after reaching the age of 59 and only while that person is residing in the territory of either Party. However, these periods shall not be taken into consideration if they coincide with periods taken into consideration in the calculation of an old age pension under the statutes of a country other than the Netherlands.

ARTICLE 19
BENEFITS UNDER THE GENERAL SURVIVORS'
INSURANCE STATUTES

When a national of one Party or a person referred to in Article 4 (2) *b* or *c* was, at the time of death, subject to the statutes identified in Article 2 (1) *a* and had previously completed a total period of insurance at least equal to 12 months under the statutes of the Netherlands as they regard survivors' insurance, the survivors shall be entitled to a benefit determined in accordance with the latter statutes and calculated according to the provisions of Article 20.

ARTICLE 20
CALCULATION FOR THE PURPOSES
OF ARTICLE 19

If entitlement to a benefit is established through the application of Article 19, the amount of the benefit payable shall be calculated in proportion to the ratio obtained by dividing

the total length of the periods of insurance under the statutes of the Netherlands completed before the age of 65 by a deceased

by

the period between the date on which the deceased reached the age of 15, or the date on which the General Survivors' Insurance Act came into effect, if it was at a later date, and the date of death, but without exceeding the date on which the deceased reached the age of 65.

ARTICLE 21
BENEFITS UNDER THE GENERAL CHILD
BENEFITS ACT

The competent institution of the Netherlands shall determine family allowances directly and exclusively on the basis of the General Child Benefits Act of the Netherlands. A person receiving an allowance or eligible for such allowance under the General Child Benefits Act shall be entitled to receive the payment of the allowance while that person, as a successor, or the child concerned, resides in the territory of Québec.

TITLE IV
MISCELLANEOUS

ARTICLE 22
ADMINISTRATIVE ARRANGEMENT

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

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

ARTICLE 23
CLAIM FOR BENEFITS

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

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

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

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

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

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

ARTICLE 24 PAYMENT OF BENEFITS

1. Cash benefits shall be payable directly to the beneficiary in the currency of the Party making the payment or in legal tender in the place of residence of the beneficiary, without any deduction for administrative charges.

2. For the purposes of paragraph 1 as regards the Netherlands, where an exchange rate is required, that rate shall be the rate in effect on the day the payment is made, as recommended by the Central Bank of the Netherlands.

ARTICLE 25 PAYMENT OF BENEFITS

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

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

ARTICLE 26 MEDICAL EXAMINATION REPORTS

1. At the request of the competent institution of one Party, the competent institution of the other Party shall make the necessary arrangements to provide the medical examination reports required for persons residing or staying in the territory of the latter Party. The cost of medical examination reports not already in the posses-

sion of the competent institution of the latter Party shall be subject to reimbursement according to the terms and conditions provided for in the Administrative Arrangement.

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

ARTICLE 27 EXEMPTION FROM FEES AND AUTHENTICATION

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

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

ARTICLE 28 DISCLOSURE OF PERSONAL INFORMATION

1. Unless disclosure is required under the statutes of a Party, any personal information communicated by an institution of one Party to an institution of the other Party shall be confidential and shall be used exclusively for the application of the Agreement.

2. Access to personal information shall be subject to the statutes of the Party on whose territory the information is located.

3. Where required for processing a claim or for the payment of benefits under the Agreement, personal information held by a third person or by an authority shall be communicated by a liaison agency, as designated in the Administrative Arrangement, to the liaison agency of the other Party after written authorization has been obtained from the beneficiary, the beneficiary's partner or the beneficiary's successors.

ARTICLE 29 MUTUAL ASSISTANCE

The competent authorities and institutions shall

(a) communicate to each other any information required to process the requests between the Parties in accordance with the Agreement;

(b) assist each other free of charge in any matter concerning the application of the Agreement;

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

(d) inform each other of the difficulties encountered in the interpretation or in the application of the Agreement.

ARTICLE 30 COMMUNICATION

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

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

ARTICLE 31 SETTLEMENT OF DISPUTES

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

2. If a dispute cannot be settled in the manner provided for in paragraph 1, it shall be referred, at the request of one Party, to a joint commission.

3. The joint commission shall be formed on an ad hoc basis.

4. The joint commission shall study the dispute and try to conciliate the Parties by submitting recommendations likely to settle the dispute.

TITLE V TRANSITIONAL AND FINAL

ARTICLE 32 TRANSITIONAL PROVISIONS

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

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

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

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

(c) when benefits are payable pursuant to Article 13 and when a claim for such benefits is produced within two years from the date of coming into force of the Agreement, rights arising from the Agreement shall be acquired from that date or from the date of the retirement, death or invalidity as confirmed by a medical report creating the right to benefits if such date follows, notwithstanding the provisions of the statutes of both Parties relative to the forfeiture of rights;

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

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

(f) if a request referred to in subparagraphs *d* and *e* is filed within two years of the date of coming into force of the Agreement, rights arising from the Agreement shall be acquired from that date, notwithstanding the provisions of the statutes of both Parties relative to the forfeiture of rights;

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

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

ARTICLE 33
COMING INTO FORCE AND TERM OF THE
AGREEMENT

1. The Parties shall notify one another in writing when their respective internal procedures required for the coming into force of the Agreement have been completed. This Agreement comes into force, after the Administrative Arrangement referred to in Article 22 has been entered into, on the first day of the third month following the date of the last notification.

2. The Agreement is entered into for an indefinite term. It may be denounced by either Party giving notice to the other Party. The Agreement expires on the 31st day of December which follows the date of notification by at least 12 months.

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

Done at Québec on 4 December 2001, in two copies, in the French language.

For the Gouvernement
du Québec

For the Government of
the Kingdom of the Netherlands

DIANE LEMIEUX,
*Minister of State for Culture
and Communications*

ADRIANUS CORNELIS BROUWER,
Consul General

SCHEDULE II

ADMINISTRATIVE ARRANGEMENT FOR THE
IMPLEMENTATION OF THE AGREEMENT ON
SOCIAL SECURITY BETWEEN QUÉBEC AND
THE KINGDOM OF THE NETHERLANDS

CONSIDERING Article 22 of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of the Netherlands, signed on 4 December 2001;

CONSIDERING the desire of both Governments to implement the Agreement;

THE COMPETENT AUTHORITIES OF EACH OF THE
PARTIES HAVE AGREED AS FOLLOWS :

ARTICLE 1
DEFINITIONS

In this Administrative Arrangement,

(a) the term "Agreement" shall mean the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of the Netherlands, signed on 4 December 2001; and

(b) all other terms shall have the meaning given to them in the Agreement.

ARTICLE 2
LIAISON AGENCIES

1. In accordance with the provisions of paragraph 2 of Article 22 of the Agreement, the liaison agencies designated by each of the Parties shall be,

(a) as regards Québec, the Direction des ententes de sécurité sociale de the Ministère des Relations avec les citoyens et de l'Immigration or any other body that the competent authority of Québec may subsequently designate;

(b) as regards the Netherlands,

i. with respect to old age and survivors' insurance, the Sociale Verzekeringsbank (Social Insurance Bank), Amstelveen; and

ii. with respect to disability insurance, the Landelijk Instituut Sociale Verzekeringen (Lisv) (National Institute for Social Insurance) c/o the GAK Nederland BV, Amsterdam.

2. The responsibilities of the liaison agencies are stipulated in this Arrangement. For the purposes of the Agreement, liaison agencies may communicate directly with one another, with the persons concerned or with their representatives. The liaison agencies of the Parties shall assist each other in the implementation of the Agreement. More specifically, the Québec liaison agency shall, for the Netherlands, validate the periods of residence in Québec for the purposes of the General Old Age Pensions Act and the Surviving Dependants Act.

ARTICLE 3
COMPETENT INSTITUTION IN THE
NETHERLANDS

Notwithstanding the provisions of subparagraph *b* of Article 2, as regards the Netherlands, the competent institution for the purposes of Articles 16 and 17 of the

Agreement shall be the Landelijk Instituut Sociale Verzekeringen (Lisv) (National Institute for Social Insurance) c/o the GAK Nederland BV, Amsterdam.

ARTICLE 4 CERTIFICATE OF COVERAGE

1. For the purposes of Articles 7 to 11 of the Agreement, where a person remains subject to the statutes of one Party while working in the territory of the other Party, a certificate of coverage is issued

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

(b) by the Sociale Verzekeringsbank (Social Insurance Bank), Amstelveen, when the person remains subject to the statutes of the Netherlands.

2. The liaison agency or institution, as the case may be, issuing the certificate of coverage shall send a copy of that certificate to the other liaison agency or institution referred to in paragraph 1, to the person in question and, where applicable, to the person's employer.

ARTICLE 5 RETIREMENT, DISABILITY AND SURVIVORS' BENEFITS

1. For the purposes of Title III of the Agreement, a claim for a benefit under the Agreement may be filed with the liaison agency of either Party, or with the competent authority of the Party whose statutes apply.

2. When the claim for a benefit referred to in paragraph 1 is filed with a liaison agency, that agency shall send the claim along with the required supporting documents to the competent institution of the Party whose statutes are applicable.

3. When the claim for a benefit referred to in paragraph 2 of Article 23 of the Agreement is received by the competent institution of one Party, that institution shall forward the claim to the liaison agency of the same Party. The liaison agency shall send the claim along with the required supporting documents to the competent institution of the other Party.

4. Any information on civil status appearing on a claim form shall be certified by the liaison agency forwarding the claim, which shall exempt the agency from having to forward the supporting documents.

5. A liaison form shall accompany the claim and the supporting documents referred to in this Article.

6. If so requested by the competent institution or by the liaison agency of one Party, the liaison agency or the competent institution of the other Party shall indicate, on the liaison form, the periods of insurance recognized under the statutes it administers.

7. As soon as a decision regarding a claim has been made pursuant to the statutes it administers, the competent institution shall notify the claimant and inform the claimant about recourses and time limits for such recourse prescribed by such statutes; the competent institution shall also inform the liaison agency or competent institution of the other Party, as the case may be, of the decision using the liaison form.

8. To check the legitimacy of the payments that have been made to its beneficiaries, the competent institution of either Party may make an information request to the competent institution or liaison agency of the Party in whose territory those beneficiaries are staying or reside.

9. For the purposes of paragraph 8, the competent institution or liaison agency in the territory in which the beneficiaries are staying or reside is not required to forward information already in its possession, subject to Article 28 of the Agreement.

ARTICLE 6 MEDICAL EXAMINATION

1. The medical examinations provided for in the statutes of the Netherlands for claimants or successors residing in Québec shall be performed, at the request of the competent institution, by the Régie des rentes du Québec.

2. The medical examinations provided for in the statutes of Québec for claimants and rightful claimants who reside in the Netherlands shall be performed, at the request of the competent institution, by the GAK Nederland BV.

3. The institutions of each Party can use the medical reports provided by the other Party for an assessment of the degree of inability to work.

4. Except in the cases referred to in paragraph 2 of Article 16 of the Agreement, the competent institution of the Netherlands shall maintain the authority to have its beneficiaries examined by a physician of the competent institution's choice in Québec or in the Netherlands.

5. If the medical examination is performed in the Netherlands, all medical expenses, transportation and hospital costs shall be assumed by the competent institution of the Netherlands.

ARTICLE 7
REIMBURSEMENT BETWEEN INSTITUTIONS

For the purposes of Article 26 of the Agreement, at the end of each calendar year, when the competent institution of one Party has had medical examination reports produced on behalf or at the expense of the other Party, the liaison agency of the first Party shall send to the liaison agency of the other Party a statement of the fees pertaining to the medical examination reports produced during the year under consideration, indicating the amount owed. That statement shall be accompanied by all supporting documents.

ARTICLE 8
FORMS

Any form or document necessary to implement the procedures provided in the Administrative Arrangement shall be determined by common agreement by the liaison agencies or the competent institution responsible for the implementation of the Agreement for each of the Parties.

ARTICLE 9
STATISTICS

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

ARTICLE 10
COMING INTO FORCE AND DENUNCIATION

This Administrative Arrangement shall come into force on the same date as the Agreement. Denunciation of the Agreement implies denunciation of the Administrative Arrangement.

Done at Québec on 4 December 2001, in two copies, in the French language.

For the Competent Authority
of Québec

For the Competent Authorities
of the Netherlands

DIANE LEMIEUX,
*Minister of State for Culture
and Communications*

ADRIANUS CORNELIS BROUWER,
Consul General

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Gouvernement du Québec

O.C. 977-2003, 17 September 2003

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)

**Agreement on Social Security between the
Gouvernement du Québec and the Czech Republic**
— Ratification
— Implementation

Ratification of the Agreement on Social Security between the Gouvernement du Québec and the Czech Republic, signed at Québec on 19 February 2002 and enactment of the Regulation respecting the implementation of that Agreement

WHEREAS Décret 1189-2001 dated 3 October 2001 authorized the Minister of State for International Relations and Minister of International Relations to sign alone the Agreement on Social Security between the Gouvernement du Québec and the Government of the Czech Republic;

WHEREAS the Agreement was signed at Québec on 19 February 2002;

WHEREAS the purpose of the Agreement is to coordinate the pension plan of Québec and the pension plan of the Czech Republic in order to mitigate the disadvantages caused by the migration of persons;

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 his 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 the 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 the Act extends