

Regulations and other acts

Gouvernement du Québec

O.C. 738-2004, 4 August 2004

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 Government of Québec and the Government of the Republic of Turkey

— Ratification

— Implementation

Ratification of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Turkey, signed at Québec on 21 November 2000, and making of the Regulation implementing that Agreement

WHEREAS Décret 1223-98 dated 23 September 1998 authorized the Minister of International Relations to sign alone the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Turkey;

WHEREAS the Agreement was signed at Québec on 21 November 2000;

WHEREAS the purpose of the Agreement is to coordinate the pension plan of Québec and the pension plan of Turkey 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 exercising 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 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, 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, 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 Republic of Turkey, signed at Québec on 21 November 2000 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 Republic of Turkey, 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 Republic of Turkey

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 Republic of Turkey, signed at Québec on 21 November 2000, 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 2005.

SCHEDULE I

(s. 1)

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

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC OF
TURKEY

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:

“competent authority”: as regards Québec, the Minister responsible for the administration of the statutes involved; and as regards Turkey, the Ministry of Labour and Social Security and the other ministries involved;

“competent institution”: as regards Québec, the department or body responsible for the application of the statutes referred to in Article 2 (1)*a*; and, as regards Turkey, the institutions or bodies responsible for the application of the statutes referred to in subparagraph *b* of paragraph 1 of Article 2;

“statutes”: the statutes, regulations and schedules and amendments made to those texts concerning the social security branches and plans referred to in Article 2;

“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 Turkey, any period of contribution and periods considered as such under the statutes in force;

“benefit”: a pension, an annuity, an allowance, a lump-sum grant or any other benefit in cash provided under the statutes of each Party, including any extension, supplement or increase thereto;

“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 has acquired rights under those statutes; and, as regards Turkey, a person of Turkish nationality who is or who has been subject to the statutes referred to in Article 2 (1)*b* and has acquired rights under those statutes.

2. Any term not defined in this Article 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 statutes of Québec respecting the Québec Pension Plan;

(*b*) as regards Turkey, only to the disability, old age and survivor’s insurances in the following statutes:

- i. the Social Insurance Act, No. 506;
- ii. the Civil Servants Pension Fund Act, No. 5434 (T.C. Emekli Sandığı);
- iii. the Self-Employed Social Insurance Act, No. 1479 (shortened to BAG-KUR);
- iv. Act No. 2925 concerning agricultural workers and Act No. 2926 concerning the self-employed in the field of agriculture; and
- v. the statutes concerning the special funds subject to provisional Article 20 of the Social Insurance Act, No. 506.

2. 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 or to new benefits; 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, unless the Agreement is modified by common agreement of the Parties.

ARTICLE 3 PERSONAL SCOPE

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

ARTICLE 4 EQUAL TREATMENT

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

ARTICLE 5 EXPORT OF BENEFITS

1. Unless otherwise provided in the Agreement, any benefits 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 or in the territory of both Parties shall, with respect to such work, be subject only to the statutes of the Party in the territory of their place of residence.

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. That period may be extended provided that the competent authorities of both Parties concur.

ARTICLE 9
TRAVELLING PERSONNEL EMPLOYED IN INTERNATIONAL TRANSPORT

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

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

3. Notwithstanding the two preceding paragraphs, if the persons are employed wholly or mainly in the territory of the Party where they reside, they shall, with respect to such work, be subject only to the statutes of that Party even if the carrier does not have its head office, a branch or a permanent agency in that territory.

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. Where the persons are nationals of the Party employing them, they may, within six months of the beginning of their employment or the coming into force of the Agreement, choose to be subject only to the statutes of the Party employing them.

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

ARTICLE 11
DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent authorities of both Parties 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.

TITLE III
BENEFITS**ARTICLE 12**
BENEFITS

This Title shall apply

1. as regards Québec, to any benefits referred to in the statutes referred to in Article 2 (1)*a*;

2. as regards Turkey, to any benefits referred to in the statutes referred to in Article 2 (1)*b*.

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 its statutes and the periods of insurance completed under the statutes of the other Party, provided that the overlapping periods are counted only once.

2. Notwithstanding any other provision of this Agreement, if the total duration of the periods of insurance completed by a person under the statutes of one Party is less than one year and if, taking into account only those

periods, entitlement to benefit is not acquired under those statutes, the competent institution of that Party shall not be required to grant benefits to that person in respect of those periods by virtue of this Agreement. Those periods shall be taken into account by the competent institution of the other Party in determining entitlement to benefits under the statutes it applies.

ARTICLE 14 BENEFITS UNDER QUÉBEC STATUTES

1. If persons who have been subject to the statutes of both Parties meet the requirements for entitlement to benefits, for themselves, for their dependants, survivors or successors, under Québec statutes, without having recourse to the totalization referred to in Article 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 Turkey certifies that a period of insurance of at least 90 days has been credited in a calendar year under the statutes of Turkey, 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) the amount of that part of the benefit which is related to earnings is calculated according to the provisions of the statutes of Québec;

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

the amount of the flat-rate benefit determined in accordance with the provisions of the Québec Pension Plan

by

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

ARTICLE 15 BENEFITS UNDER THE STATUTES OF TURKEY

1. 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 Turkey without having recourse to the totalization referred to in Article 13, the competent institution of Turkey shall determine the amount of the benefits in accordance with the provisions of the statutes it applies.

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

(a) for entitlement to old-age benefits in accordance with the statutes of Turkey

i. recognize 360 days of contributions in accordance with the statutes of Turkey when the competent institution of Québec certifies each year of insurance;

ii. where entitlement to benefits is not acquired despite the application of subparagraph *a i*, recognize one day of contributions in accordance with the statutes of Turkey, for each year of residence within the meaning of the Old Age Security Act that applies in the territory of Québec provided that the day does not overlap a period of insurance completed in accordance with Québec statutes and that the number of days recognized does not exceed 360 per year;

iii. totalize days recognized under subparagraph *a i* and *a ii* with periods of insurance completed under the statutes of Turkey;

(b) for entitlement to invalidity or death benefits in accordance with the statutes of Turkey, one calendar year which is a period of insurance within the meaning of the Act respecting the Québec Pension Plan shall be considered as 360 eligible days in accordance with the statutes of Turkey.

3. Where persons have completed a period of insurance within the meaning of the Act respecting the Québec Pension Plan or a period of residence within the meaning of the Old Age Security Act which applies to the territory of Québec before the date of joining the insurance plan in Turkey, the earliest of the date of the beginning of either of those periods shall be considered the date of joining the insurance plan of Turkey.

4. Where entitlement to benefits is acquired by the totalization referred to in paragraph 2, the competent institution of Turkey shall determine the amount of benefit payable as follows :

(a) the amount of the theoretical benefit payable is calculated as if all periods of insurance totalized under paragraph 2 had been completed under the statutes of Turkey ;

(b) the amount obtained under subparagraph *a* is multiplied by the fraction which represents the ratio of the sum of periods recognized under the statutes of Turkey and the sum of all periods recognized under the statutes of Turkey and the periods taken into account under paragraph 2 ;

(c) for the purposes of subparagraph *b*, where entitlement to benefits is acquired by totalization solely of the periods of insurance recognized under paragraph 2 *a i*, the periods of residence eligible under the Old Age Security Act that applies in the territory of Québec shall not be taken into account for the calculation of the benefits owed.

ARTICLE 16 PERIODS COMPLETED UNDER THE STATUTES OF A THIRD PARTY

If a person is not entitled to benefits on the basis of the totalization provided for in Article 14 or 15, 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.

TITLE IV MISCELLANEOUS

ARTICLE 17 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 Parties.

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

ARTICLE 18 CLAIM FOR BENEFITS

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

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

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

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

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

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

ARTICLE 19 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 or for any other costs incurred for the payment of that 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.

ARTICLE 20 FILING OF A REQUEST, A DECLARATION OR AN APPEAL

1. A request, a declaration or an appeal which, under the statutes of one Party, is filed within a prescribed time to the competent 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 competent authority or institution of the latter Party shall immediately forward the request, declaration or appeal to the competent authority or institution of the first Party.

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

ARTICLE 21 MEDICAL EXAMINATION REPORTS

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

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

ARTICLE 22 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 for the purposes of those statutes shall be extended to the certificates and documents required for the purposes of the statutes of the other Party.

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

ARTICLE 23 DISCLOSURE 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 24 MUTUAL ASSISTANCE

The competent authorities and institutions shall

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

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

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

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

ARTICLE 25 PAYMENTS BETWEEN INSTITUTIONS

1. The competent institution of one Party must pay to the competent institution of the other Party the fees pertaining to each medical examination report produced in accordance with Article 21. 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 free of charge.

2. The Administrative Arrangement shall determine the terms and conditions respecting the payments of the costs referred to in paragraph 1.

ARTICLE 26 COMMUNICATION

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

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

ARTICLE 27 SETTLEMENT OF DISPUTES

1. Any dispute between the two Parties concerning the interpretation or the application of the Agreement shall be settled by the competent authorities through direct negotiations.

2. If a dispute cannot be settled within six months following the beginning of the negotiations, it shall be referred, at the request of one Party or of both Parties, to an arbitration commission whose composition and rules of procedure are determined in the Administrative Arrangement.

3. The arbitration commission shall decide the dispute according to the spirit and the fundamental principles of the Agreement. Its decision shall be binding and final.

TITLE V
TRANSITIONAL AND FINAL

ARTICLE 28
TRANSITIONAL

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 the totalization provided in 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, notwithstanding the provisions of the statutes of either Party relative to the forfeiture of rights;

i. from the date of coming into force of the Agreement if the event occurred before the date of coming into force; or

ii. from the date of the retirement, death or invalidity as confirmed by a medical report creating the right to benefits if such date follows the date of coming into force.

If the claim for benefits is submitted after the limit of two years following the coming into force of the Agreement, rights shall be acquired from the date provided for in the statutes of either Party.

(d) benefits which, on account of nationality or residence, have been refused, reduced or suspended shall, at the request of the person involved, 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 involved. They may also be revised by the competent institution. If the revision leads to benefits that are lower than the benefits paid before the coming into force of the Agreement, the amount of benefits previously paid shall be maintained;

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

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

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

ARTICLE 29
COMING INTO FORCE AND DENUNCIATION

1. The Parties shall notify one another when their respective internal procedures required for the coming into force of the Agreement have been completed.

2. The Agreement is entered into for an indefinite term from the date of its coming into force, which is determined by an exchange of letters between the contracting Parties. 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 21 November 2000, in two copies, in the French and Turkish languages, both texts being equally authentic.

For the Gouvernement
du Québec

LOUISE BEAUDOIN,
*Minister of International
Relations*

For the Government of
the Republic of Turkey

ERHAN ÖGÜT,
*Ambassador of the
Republic of Turkey*

SCHEDULE II

(s. 2)

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

CONSIDERING Article 17 of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Turkey, signed at Québec on 21 November 2000;

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 Republic of Turkey, signed at Québec on 21 November 2000; and

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

**ARTICLE 2
LIAISON AGENCIES**

In accordance with the provisions of paragraph 2 of Article 17 of the Agreement, the liaison agencies designated by each of the Parties shall be,

1. as regards Québec, the Direction des équivalences et des ententes de sécurité sociale of the Ministère des Relations avec les citoyens et de l’Immigration or any other body that the competent authority of Québec may subsequently designate;

2. as regards Turkey,

(a) with respect to the application of the statutes on social security and the application of the statutes on funds subject to the transitional Article 20 of the Social Insurance Act, No. 506 and the statutes concerning social insurance of agricultural wage earners: the General Directorate of the Social Insurance Institution (SSK), at Ankara;

(b) with respect to the application of the statutes of the Republic of Turkey Civil Servants Pension Fund: the General Directorate of the Civil Servants Pension Fund of the Republic of Turkey (T.C. Emekli Sandığı), at Ankara; and

(c) with respect to the application of the statutes on social insurance concerning self-employed workers, including agricultural self-employed workers: the General Directorate of Bag-Kur, at Ankara.

**ARTICLE 3
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 competent Turkish liaison agency, when the person remains subject to the statutes of Turkey.

2. For the purposes of Article 8 of the Agreement, where an employer detaches an employee for a period exceeding the 60-month period provided for, the application for the certificate of coverage for that extension must be filed with the liaison agency involved three months before the end of the 60-month period.

3. The liaison agency issuing the certificate of coverage shall send a copy of that certificate to the other liaison agency referred to in paragraph 1, to the person involved and, where applicable, to the person’s employer.

**ARTICLE 4
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 as soon as possible 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 18 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. Any original document or its copy shall be kept by the liaison agency with which it was originally filed and a copy shall be made available to the competent institution of the other Party, on request.

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

7. 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.

8. 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 of the other Party of the decision using the liaison form.

ARTICLE 5 REIMBURSEMENT BETWEEN INSTITUTIONS

1. A statement of the expenses incurred by one of the Parties on behalf of the other Party pursuant to Article 25 of the Agreement shall be submitted to the competent institution of the other contracting Party with all supporting documents at the end of each calendar year.

2. The competent institution of one Party shall reimburse within three months the total of the expenses claimed by the competent institution of the other contracting Party.

ARTICLE 6 FORMS

Any form or document necessary to implement the procedures provided in the Administrative Arrangement shall be determined by common agreement by the competent institutions and the liaison agencies of each of the Parties.

ARTICLE 7 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 8 ARBITRATION COMMISSION

The arbitration commission referred to in Article 27 of the Agreement is composed as follows:

1. Each contracting Party shall appoint an arbitrator within one month from receiving the request concerning the settlement of the dispute by the commission. Both arbitrators shall appoint within two months of their appointment a national of a third State to act as the third arbitrator.

2. Where one Party fails to appoint an arbitrator within the stipulated time period, the other Party may request that the President of the European Court of Human Rights appoint an arbitrator. In the case where the first two arbitrators do not agree with the appointment of the third arbitrator, the matter may be referred to the European Court of Human Rights.

3. The arbitration commission shall decide by a majority of votes. Its decision shall be binding and final for both Parties. Each contracting Party shall pay the expenses of the activities of the member representing it. All other expenses shall be paid equally by both contracting Parties. The arbitration commission shall determine its own procedure.

ARTICLE 9 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 21 November 2000, in two copies, in the French and Turkish languages, both texts being equally authentic.

For the Gouvernement
du Québec

LOUISE BEAUDOIN,
*Minister of International
Relations*

For the Competent Authority
of the Republic of Turkey

ERHAN ÖGÜT,
*Ambassador of the
Republic of Turkey*