

THAT the amendments to the terms and conditions governing the signing of certain deeds, documents or writings of the Ministère des Relations internationales appended to this Order in Council be decreed;

THAT these amendments enter into force on the date of their publication in the *Gazette officielle du Québec*.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

### **Amendments to the terms and conditions governing the signing of certain deeds, documents or writings of the Ministère des Relations internationales**

Act respecting the Ministère des Relations internationales (chapter M-25.1.1, a. 7)

- 1.** The terms and conditions governing the signing of certain deeds, documents and writings of the Ministère des Relations internationales (chapter M-25.1.1, a. 7) are amended by the replacement in paragraph 4 of section 2 of “agreements on the granting of subsidies according to standards approved by the Government or the Conseil du trésor” by “agreements on the granting of subsidies.”
- 2.** Sections 2 and 8 of these terms and conditions are amended by the replacement of “secretary” by “secretary general.”
- 3.** Section 3 of these terms and conditions is amended by the addition after “Financial” of “and Real Estate”.
- 4.** Section 4 of these terms and conditions is amended by the replacement of “Material” by “Financial and Real Estate.”
- 5.** Section 5 of these terms and conditions is amended by the replacement of “la gestion” by “l’organisation.”
- 6.** Sections 6 and 7 of these terms and conditions are repealed.

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Gouvernement du Québec

### **O.C. 1164-2015, 16 December 2015**

An Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001)

Tax Administration Act (chapter A-6.002)

An Act respecting the Québec Pension Plan (chapter R-9)

An Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2)

### **Agreement on Social Security between the Government of Québec and the Government of Romania — Ratification and making of the Regulation respecting the implementation**

Ratification of the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania and making of the Regulation respecting the implementation of that Agreement

WHEREAS Order in Council 554-2012 dated 30 May 2012 authorized the Minister of International Relations to sign alone an agreement, an administrative arrangement and a protocol on social security between the Gouvernement du Québec and the Government of Romania;

WHEREAS the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania as well as the Administrative Arrangement and the Final Protocol consequent thereto were signed at Québec City on 19 November 2013;

WHEREAS this Agreement on Social Security aims, in particular, to guarantee the benefits of the coordination in the fields of retirement, survivorship, disability, death, industrial accidents and occupational diseases, health insurance, hospitalisation insurance and other health services to the persons concerned;

WHEREAS the Government may, by regulation made under the first paragraph of section 96 of the Tax Administration Act (chapter A-6.002), give effect to international agreements of a fiscal nature entered into under the first paragraph of section 9 of that Act;

WHEREAS, under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter 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 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 subparagraph 2 of the first paragraph of section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister may, according to law, enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization for the purposes of enabling, on a basis of reciprocity, a person to benefit, from the time specified in those agreements and on the conditions determined therein, from all or part of the health services and social services provided for in the Acts administered by the Minister or in the laws of a foreign State to which the agreements apply;

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

WHEREAS, under the second paragraph of section 215 of the Act respecting the Québec Pension Plan (chapter R-9), the Government may make regulations respecting the manner in which that Act is to apply to any case affected by the agreement entered into with another country;

WHEREAS the Agreement constitutes an international agreement within the meaning of the third paragraph of section 19 of the Act respecting the Ministère des Relations internationales (chapter 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 that Act;

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

WHEREAS, under section 22.4 of that Act, 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 may not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS the Agreement was approved by the National Assembly on 19 May 2015;

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, proposed regulations of the Government and of the Commission de la santé et de la sécurité du travail, respecting the implementation of agreements on social security signed by the Gouvernement du Québec, are excluded from the application of the Regulations Act (chapter R-18.1);

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

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania, signed at Québec City on 19 November 2013 and approved by the National Assembly on 19 May 2015, whose text is attached to the implementing regulation mentioned below, be ratified;

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

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

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## Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania

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

Tax Administration Act (chapter A-6.002, ss. 9 and 96)

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

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

**1.** The following Acts and the regulations thereunder apply to every person referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania, signed at Québec City on 19 November 2013 attached as Schedule 1:

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

**2.** Those Acts and regulations apply in the manner stipulated in that Agreement, in the Administrative Arrangement for the application of the Agreement attached as Schedule 2 and the Protocol to this Administrative Arrangement attached as Schedule 3, all signed at Québec City on 19 November 2013.

**3.** This Regulation comes into force on 1 March 2016.

## SCHEDULE 1

(s. 1)

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

THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF ROMANIA

hereinafter referred to as “the Parties”

HAVING RESOLVED to coordinate their social security legislations;

HAVE AGREED AS FOLLOWS:

### PART I GENERAL PROVISIONS

#### ARTICLE 1 DEFINITIONS

In the Agreement, unless the context indicates otherwise, the following expressions mean:

(a) “competent authority”: the Québec Minister or the Romanian Minister responsible for administering the legislation referred to in Article 2;

(b) “competent institution”:

i. the institution from which the interested person may be entitled to benefits, or;

ii. the institution designated by the competent authority of the concerned Party or the one responsible for administering the legislation referred to in Article 2;

(c) “legislation”: the laws, regulations, statutory provisions, and any other measures, existing or future, governing the social security branches and systems referred to in Article 2;

(d) “occupational injury”: an industrial accident or occupational disease, including relapse;

(e) “liaison agency”: institution designated by the competent authority of each Party responsible for facilitating the implementation of the Agreement;

(f) “insurance period”: as regards Québec, any year for which contributions or disability pension benefits have been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent, and, as regards Romania, contribution periods and equivalent periods completed under its legislation;

(g) “benefit”: any benefit in cash or in kind provided for under the legislation referred to in Article 2;

(h) “reside”: to ordinarily live in Québec or Romania with the intention to establish or maintain one’s domicile therein, while being legally authorized to do so;

(i) “national”: a Canadian citizen who is or has been subject to the legislation referred to in subparagraph *a* paragraph 1 of Article 2 or has acquired rights under that legislation; or a Romanian citizen who is or has been subject to the legislation referred to in subparagraph *b* paragraph 1 of Article 2, or has acquired rights pursuant thereto;

(j) “stay”: to be temporarily in the territory of a Party without intention of residing therein.

Any term not defined in the Agreement shall have the same meaning as in the applicable legislation.

## **ARTICLE 2** MATERIAL SCOPE

1. The Agreement shall apply:

(a) to the legislation of Québec concerning health insurance, hospital insurance and other health services, the Québec Pension Plan and occupational injury;

(b) to the legislation of Romania on sickness and maternity benefits, old age pensions (age limit, anticipated and partial anticipated), disability, survivor, death benefits and benefits in case of industrial accidents and occupational diseases.

2. The Agreement shall also apply to any legislation or regulation that amends, adds to, or replaces the legislation referred to in paragraph 1.

3. The Agreement shall also apply to any legislation or regulation of a Party that extends the existing systems to new categories of beneficiaries or to new benefits; however, that Party shall have three months from the date of the official publication of that legislation or regulation to notify the other Party that the Agreement shall not apply thereto.

4. The Agreement shall not apply to any legislation or regulation that covers a new branch of social security, unless the Agreement is amended to that effect.

## **ARTICLE 3** PERSONAL SCOPE

Unless otherwise stipulated, the Agreement shall apply to all persons who are or have been subject to the legislation of a Party or who have acquired rights under that legislation.

## **ARTICLE 4** EQUALITY OF TREATMENT

Unless otherwise stipulated in the Agreement, the persons designated in Article 3 shall receive, with respect to the application of the legislation of a Party, the same treatment as nationals of this Party.

## **ARTICLE 5** EXPORT OF BENEFITS

1. Unless otherwise stipulated in the Agreement, any cash benefits acquired under the legislation of a Party or with or without the application of the Agreement may not be reduced, modified, suspended, cancelled, or confiscated simply because the beneficiary resides or stays outside the territory of the Party where is located the competent debtor institution; these benefits shall be payable to the beneficiary wherever he or she resides.

2. The provisions of paragraph 1 of this Article shall not apply to special non-contributory cash benefits granted under Romanian legislation.

## **PART II** PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

### **ARTICLE 6** GENERAL RULE

Unless otherwise stipulated in the Agreement and subject to Articles 7, 8, 9, 10 and 11, persons who work in the territory of one Party shall, with respect to such work, be subject to the legislation of that Party.

### **ARTICLE 7** SELF-EMPLOYED PERSONS

Self-employed persons who reside in the territory of one Party and work 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 EMPLOYEES

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

2. However, if the time required to complete the work extends beyond the period originally planned and exceeds thirty-six months, the legislation of the first Party shall continue to apply for a supplementary period of twenty-four months, provided the competent institutions of both Parties give their approval.

**ARTICLE 9**  
TRAVELING PERSONNEL EMPLOYED BY  
AN INTERNATIONAL CARRIER

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

2. However, if the persons are employed by a branch or permanent agency that the undertaking possesses in the territory of a Party other than the territory where it has its head office, those persons 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 paragraphs 1 and 2, if the persons are employed for the most part in the territory of the Party where they reside, they shall, with respect to such work, be subject only to the legislation of that Party.

**ARTICLE 10**  
PERSON EMPLOYED IN GOVERNMENT SERVICE  
OR IN PUBLIC SERVICE

1. Persons who are in government service or in public service for one of the Parties and who are assigned to a posting in the territory of the other Party shall be subject only to the legislation of the first Party for all matters related to that posting.

2. For members of diplomatic missions and consular posts, the provisions relating to social security of the Vienna Convention on Diplomatic Relations of 18 April 1961 and the Vienna Convention on Consular Relations of 24 April 1963 shall continue to apply.

**ARTICLE 11**  
DEROGATION FROM THE PROVISIONS  
ON COVERAGE

The competent authorities of both Parties, or the competent institutions, 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.

**PART III**  
PROVISIONS RESPECTING BENEFITS**CHAPTER 1**  
HEALTH BENEFITS**ARTICLE 12**  
NATURE OF BENEFITS

1. This Chapter shall apply to all benefits covered in the legislation of Québec relative to health insurance, hospitalization insurance and other health benefits, on the conditions provided therein.

2. This Chapter shall also apply to all benefits covered in the legislation of Romania in case of sickness and maternity.

**ARTICLE 13**  
PERSONS COVERED

1. This Chapter shall apply to persons insured under the legislation of Québec or Romania.

2. For the purposes of this Chapter, “insured person” means:

(a) as regards Québec, any person who immediately before arriving in Romania, was “a resident of Québec” as defined in the Health Insurance Act of Québec;

(b) as regards Romania, any person insured in the social health insurance scheme.

3. However, this Chapter shall not apply to persons referred to in Articles 9 and 10, nor to their children, spouse and dependents.

**ARTICLE 14**  
STATUS OF SPOUSE AND DEPENDENTS

The competent institution shall determine the status of spouse and dependents under the provisions of the legislation it administers.

**ARTICLE 15**  
ENTITLEMENT TO BENEFITS IN KIND

1. For entitlement, maintenance or recovery of rights to benefits in kind under the legislation of a Party, periods of insurance or residence completed under the legislation of the other Party shall be treated as periods of insurance completed under the legislation of the first Party.

2. For the application of the preceding paragraph, “periods of insurance” means periods of contribution, employment, professional activity or residence, as defined or accepted as periods of insurance by the legislation under which they were completed, and all other periods, recognized by this legislation as equivalent to periods of insurance.

**ARTICLE 16**  
PASSAGE FROM THE LEGISLATION OF A PARTY  
TO THAT OF THE OTHER PARTY

1. The insured person of a Party, other than a person referred to in Articles 7, 8, paragraphs 1 and 2 of Article 9, 10 or 11, who leaves the territory of that Party and stays in the territory of the other Party to work, shall receive, as well as the spouse and dependent children accompanying the insured person, benefits in kind, provided by the institution of place of stay, on the conditions set forth by the legislation it applies, given the provisions of Article 15, during the entire work period on this territory, regardless of the planned duration of this activity.

2. An insured person who leaves the territory of a Party to reside in the territory of the other Party shall receive, as well as the spouse and dependent children accompanying the insured person, benefits in kind, served by the institution of place of residence, provided by the legislation it applies, considering the provisions of Article 15, as of the day of arrival in that territory, subject to the other conditions set forth by this legislation.

3. The same provisions shall apply to the spouse and dependent children accompanying or joining the insured person referred to in paragraphs 1 and 2, insofar as they have acquired, before their departure, the right to benefits in the territory of the Party they are leaving.

**ARTICLE 17**  
PERSON REFERRED TO IN ARTICLE 7, 8 OR 11

An insured person referred to in Articles 7, 8 or 11, who is subject to the legislation of a Party while staying in the territory of the other Party to work, shall receive, as well as the spouse and dependent children accompanying the

insured person, benefits in kind served on behalf of the competent institution by the competent institution of the place of stay, according to the provisions of the legislation that the latter administers, during the work period on this territory.

**ARTICLE 18**  
STAY FOR STUDIES

1. A person insured under the legislation of a Party and staying in the territory of the other Party to study shall receive, if not entitled to benefits in the territory of stay, benefits which are provided to that person and the accompanying spouse and dependent children, on behalf of the competent institution by the institution of the place of stay, according to the provisions of the legislation the latter administers, during the study period on this territory.

2. For the purposes of paragraph 1, studying in Québec means to be enrolled full-time in a collegiate or university level educational institution recognized by the responsible Québec Minister; studying in Romania means to be enrolled full time in a post-secondary or university level education institution accredited by the responsible ministry.

3. Paragraph 1 shall apply by analogy to a person:

(a) undergoing a studies internship of the level specified in paragraph 2 and recognized by the education institution;

(b) performing university or postgraduate research;

and who is not entitled to benefits in application of Article 17.

**ARTICLE 19**  
BURDEN OF BENEFITS IN KIND

1. For the purposes of Article 16, benefits in kind shall be served at the expense of the institution of the place of stay or residence.

2. For the purposes of Articles 17 and 18, benefits in kind shall be served at the expense of the competent institution.

**ARTICLE 20**  
BENEFITS IN CASH

Cash benefits shall be paid directly by and at the expense of the competent institution, in accordance with the legislation it applies.

## CHAPTER 2 RETIREMENT, DISABILITY AND SURVIVORS BENEFITS

### ARTICLE 21 BENEFITS COVERED

1. This Chapter shall apply to all benefits referred to in the Act respecting the Québec Pension Plan.

2. This Chapter shall also apply to all benefits referred to in the Act governing the public pension system of Romania.

### ARTICLE 22 PRINCIPLE OF TOTALIZATION

When persons have completed insurance periods under the legislation of both Parties and are ineligible for benefits by virtue of insurance periods completed solely under the legislation of one Party, the competent institution of that Party shall totalize, to the extent necessary for entitlement to benefits under the legislation that it administers, the insurance periods completed under the legislation of both Parties, provided they do not overlap.

### ARTICLE 23 BENEFITS UNDER THE LEGISLATION OF QUÉBEC

1. If persons have been successively or alternately subject to the legislation of both Parties meet the requirements for entitlement to benefits for themselves, their dependents, survivors, or other rightful claimants under the legislation of Québec without having recourse to the totalization principle set forth in Article 22, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the legislation that 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 proceed as follows:

(a) it shall recognize one year of contribution if the competent institution of Romania certifies that an insurance period of at least 3 months in a single calendar year has been credited under the legislation of Romania, provided that the year in question is included in the contributory period defined under the legislation of Québec;

(b) it shall totalize, in accordance with Article 22, the years recognized under subparagraph *a* and the periods completed under the legislation of Québec.

3. When the totalization set forth in paragraph 2 entitles persons to benefits, the competent institution of Québec shall determine the amount of benefits payable by adding together the amounts calculated in accordance with subparagraphs *a* and *b* below:

(a) the amount of that portion of the benefits related to earnings shall be calculated in accordance with the provisions of the legislation of Québec;

(b) the amount of the flat rate component of the benefits payable in accordance with the provisions of this Agreement shall be determined by multiplying:

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

by

the fraction that represents the ratio between the periods of contribution to the Québec Pension Plan and the contributory period defined in the legislation governing that Plan.

### ARTICLE 24 BENEFITS UNDER THE LEGISLATION OF ROMANIA

1. If persons have been successively or alternately subject to the legislation of both Parties, the competent institution of Romania shall determine, in accordance with the provisions of the legislation that it applies, whether these persons or their survivors are entitled to benefits, taking account, where appropriate, the provisions of Article 22.

2. If the interested person satisfies the requirements of paragraph 1 of this Article in regard to the legislation of Romania without applying the provisions of Article 22, the competent institution of Romania shall calculate benefits based solely on periods completed under the legislation it applies.

3. If the interested person satisfies the requirements of paragraph 1 of this Article in regard to the legislation of Romania solely in application of the provisions set forth in Article 22, benefits shall be determined as follows:

(a) the competent institution of Romania shall calculate the theoretical amount of benefits due as if all periods had been completed under its own legislation;

(b) the competent institution of Romania shall then calculate the actual amount of the benefit due to the person interested, based on the theoretical amount calculated pursuant to the provisions of subparagraph *a* of this paragraph, in proportion to the periods completed before the occurrence of the contingency under the legislation it applies, in relation to the total duration of the periods completed before the contingency arose under the legislation of both Parties.

4. If the amount of the benefit varies according to the number of family members, the competent institution of Romania shall also consider the family members and survivors who reside in Quebec.

5. For the purpose of determining entitlement to an old age benefit under the legislation of Romania, and pursuant to Article 22:

(a) a calendar year which is a period of insurance under the Québec Pension Plan shall be considered as 12 months eligible under the legislation of Romania;

(b) a month, which is a creditable period under the Canadian Old Age Security Act which applies in the territory of Québec and that is not part of an insurance period under the Québec Pension Plan, shall be considered an eligible month under the legislation of Romania.

6. For the purposes of determining entitlement to a disability, survivor or death benefit under the legislation of Romania and pursuant to Article 22, a calendar year, which is an insurance period under the Québec Pension Plan, shall be considered as 12 months eligible under the legislation of Romania.

#### **ARTICLE 25** DEATH BENEFITS AS REGARDS ROMANIA

Where a person subject to Romanian legislation dies in the territory of Quebec, the death shall be deemed to have occurred in Romania.

#### **ARTICLE 26** MINIMUM PERIOD

1. Notwithstanding any other provision of the Agreement, if the total duration of insurance periods completed under the legislation of a Party is less than one year, and, when taking into account only those periods, entitlement to a benefit is not acquired under the legislation of that Party, the competent institution of that Party shall not be required, under the Agreement, to pay a benefit in respect of such periods. These insurance periods shall be taken into account by the competent institution of the other Party to determine eligibility for benefits of that Party through the application of this Title.

2. Periods of insurance mentioned in the preceding paragraph shall be considered by the institution of the other Party for the application of the provisions of subparagraph *a* of paragraph 3 of Article 24 as if these periods had been completed under the legislation it applies, except subparagraph *b* of paragraph 3 of Article 24.

#### **ARTICLE 27** PERIODS COMPLETED UNDER THE LEGISLATION OF A THIRD PARTY

If persons are still not entitled to benefits after the totalization prescribed in Article 22, the insurance periods completed under the legislation of a third party bound to each of the Parties by a legal social security instrument containing provisions on the totalization of insurance periods shall be taken into consideration in determining the entitlement to benefits under the terms and conditions prescribed in this Part.

### **CHAPTER 3** BENEFITS IN CASE OF OCCUPATIONAL INJURY

#### **ARTICLE 28** BENEFITS COVERED

This Chapter covers all benefits provided for, in the field of occupational injuries, in the legislation of each Party.

#### **ARTICLE 29** WORKERS SUBJECT TO THE LEGISLATION OF ONE PARTY AND STAYING OR RESIDING IN THE TERRITORY OF THE OTHER PARTY

1. Workers who, because of an industrial accident or an occupational disease, become recipients of benefits under the legislation of a Party while staying or residing in the territory of the other Party shall be entitled to benefits on that territory.

2. Workers who, because of an occupational injury, are entitled to benefits owed by the competent institution of a Party, shall retain the advantage of those benefits while staying or residing in the territory of the other Party.

#### **ARTICLE 30** RELAPSE

1. Workers whose industrial accident or occupational disease has been recognized by the competent institution of a Party and who suffer a relapse of their industrial accident or occupational disease while staying or residing in the territory of the other Party, shall be entitled, in that territory, to benefits arising from that relapse.

2. Entitlement to benefits is determined by taking into account the following modalities:

(a) if the worker has performed, under the legislation of the Party in the territory of which he is staying or residing, work that is likely to cause a relapse, the competent institution of that Party shall adjudicate on the relapse, according to the legislation it administers. In such case:

i. the competent institution of the other Party shall retain the burden, where applicable, of the benefits payable under its own legislation as if there had been no relapse;

ii. the competent institution of the place of stay or residence shall bear the cost of the additional benefits corresponding to the relapse. In the case of cash benefits, the amount of those additional benefits shall be determined by the legislation of the Party in whose territory the worker is staying or residing, as if the initial event had occurred in its own territory. This amount is equal to the difference between the amount of the benefit payable after the relapse and that which would have been due before this relapse. The benefits in kind for the relapse shall be provided and paid by the competent institution of the place of stay or residence according to the legislation it administers;

(b) if the worker has not performed, under the legislation of the Party in the territory of which he is staying or residing, work that is likely to cause the relapse, benefits payable as a result of this relapse shall be provided by the competent institution of the other Party according to the legislation it administers.

3. The term “relapse” includes recurrence and worsening.

#### **ARTICLE 31** SERVICE OF BENEFITS

In cases provided for in Articles 29 and 30:

(a) benefits in kind shall be provided, on behalf and at the expense of the competent institution, by the institution of the place of stay or residence of the worker, in accordance with the legislation the latter administers, as concerns the scope and terms and conditions of the service of the benefits. The competent institution shall set forth the duration of the authorization and shall also decide on any request for an extension of benefits.

For the application of paragraph 2 of Article 29, authorization must be obtained before the worker goes to the territory of the other Party to stay or reside.

(b) cash benefits shall be provided directly by the competent institution of the worker in relation to the compensated occupational injury, in accordance with the provisions of the legislation it administers.

#### **ARTICLE 32** GRANTING OF BENEFITS OF GREAT IMPORTANCE

In cases provided for in Articles 29 and 30, the granting of prostheses, large devices and other benefits in kind of great importance shall be subject, except in emergencies, to the authorization of the competent institution of the worker in relation to the compensated occupational injury.

#### **ARTICLE 33** ASSESSMENT OF THE DEGREE OF DISABILITY

In assessing the degree of permanent disability resulting from an occupational injury under the legislation of a Party, occupational injuries having occurred previously under the legislation of the other Party shall be considered as if they had occurred under the legislation of the first Party.

#### **ARTICLE 34** DOUBLE EXPOSURE TO SAME RISK

1. When a worker has performed, under the legislation of both Parties, work with exposure to the same risk and likely to cause an occupational disease, the rights of this worker or, in case of death, those of the beneficiaries, shall be examined exclusively with regard to the legislation of the Party where the worker, or his beneficiaries, file his or her claim. The competent institution of that Party shall take into account the following provisions:

(a) where, in this legislation, the granting of benefits is subject to the condition that such work has been exercised for a certain period, the periods accomplished under the legislation of the other Party in the exercise of this work shall, when necessary, be taken into account. These periods must first be confirmed by the competent institution of the latter Party;

(b) when, in this legislation, the granting of benefits is subject to the condition that the disease has been diagnosed for the first time in its territory, this condition shall be deemed satisfied when the disease has been diagnosed for the first time in the territory of the other Party;

(c) where, in this legislation, the granting of benefits is subject to the condition that the disease has been diagnosed within a specified period after the ending of the last work with exposure to the same risk and likely to cause an occupational disease, such work, exercised under the legislation of the other Party, shall, when necessary, be taken into account as if it had been exercised under the legislation it administers.

2. If the claim is accepted, the competent institution having accepted it shall pay out the cash benefits and shall ensure the service of benefits in kind, according to the rules of the legislation it administers.

3. If the request for benefits cannot be accepted under the legislation administered by the competent institution of the Party referred to in paragraph 1, the latter shall notify the worker, or in case of death the beneficiaries, and the competent institution of the other Party in order for it to determine eligibility, under the legislation it administers, and taking into account, where appropriate, of subparagraphs *a*, *b* and *c* of paragraph 1.

#### **ARTICLE 35** TAKING INTO ACCOUNT OF DEPENDENTS

If a Party's legislation provides that the amount of cash benefits varies with the number of dependents, the competent institution of this Party shall also take into account dependents who reside in the territory of the other Party, provided that the criterion of residence is not essential, under the applicable legislation, for the determination of the status of dependent.

#### **PART IV** MISCELLANEOUS PROVISIONS

##### **ARTICLE 36** ADMINISTRATIVE ARRANGEMENT

1. An Administrative Arrangement, which must be agreed to by the Parties, shall set out the terms and conditions of the Agreement.

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

##### **ARTICLE 37** CLAIM FOR BENEFITS

1. To receive benefits pursuant to the Agreement, a person must file a claim in accordance with the terms and conditions set forth in the Administrative Arrangement.

2. For the application of Chapter 2 of Part III, a claim for benefits filed under the legislation of one Party after the date of entry into force of the Agreement shall be deemed to be a claim for corresponding benefits under the legislation of the other Party in the following cases:

(*a*) when a person expresses the wish that the claim be considered as a claim under the legislation of the other Party;

(*b*) when a person indicates, at the time of the claim, that insurance periods were completed under the legislation of the other Party.

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

3. The presumption set out in the previous paragraph shall not impede a person from requesting that a claim for retirement or old age benefits under the legislation of the other Party be deferred.

##### **ARTICLE 38** PAYMENT OF BENEFITS

1. All cash benefits shall be payable directly to the beneficiary in the currency of the Party making the payment or in a currency that has legal tender status in the place of residence of the beneficiary, with no deductions for administrative fees, other than bank fees where applicable, incurred for the payment of such benefits.

2. For the purposes of paragraph 1, when an exchange rate must be used, such rate shall be the one used by the financial institution, in effect on the day the payment is made.

##### **ARTICLE 39** FILING DEADLINE FOR RECOURSE

1. Any claim for recourse that, under the legislation of one Party, must be filed within a prescribed period with the competent institution of that Party shall be accepted if filed within the same period with the corresponding competent institution of the other Party. In such case, the competent institution of the second Party shall forward the claim without delay to the competent institution of the first Party.

2. The date on which this claim is filed with the competent institution of one Party shall be considered the date of filing with the competent institution of the other Party.

##### **ARTICLE 40** EXAMINATIONS

1. At the request of the competent institution of a Party, the institution of the other Party shall make the necessary arrangements to carry out the required examinations for persons residing or staying in the territory of the second Party.

2. The examinations referred to in paragraph 1 shall not be refused solely because they were made in the territory of the other Party.

**ARTICLE 41**  
**FEES AND EXEMPTION FROM**  
**AUTHENTICATION**

1. Any exemption or reduction of fees provided for in the legislation of one Party with respect to the issuing of a certificate or document required under that Party's legislation shall be extended to the certificates and documents required under the legislation of the other Party.

2. Any document required under the Agreement shall not require authentication by the responsible authorities or any other similar formalities.

**ARTICLE 42**  
**PROTECTION OF PERSONAL INFORMATION**

1. Any information concerning a natural person which allows the person to be identified is personal information. Personal information shall be confidential.

2. The agencies of both Parties may release to one another any personal information necessary for the application of the Agreement.

3. Personal information released to an agency of a Party, within the framework of the application of the Agreement, may be used only for the application of the Agreement.

A Party may however use such information for other purposes with the consent of the person concerned or, without the consent of the said person, only in the following cases:

(a) its use is compatible and has a direct and relevant connection with the purposes for which the information was collected;

(b) its use is clearly for the benefit of the person to whom it relates, or;

(c) its use is necessary for the administration of an Act or regulation in Québec or in Romania.

4. Personal information released to an agency of a Party, within the framework of the application of the Agreement, may only be released to another agency of this Party for the application of the Agreement.

A Party may however release such information with the consent of the person concerned or, without the consent of the said person, only in the following cases:

(a) the information is necessary for the exercise of the rights and powers of an agency of a Party;

(b) its release is clearly for the benefit of the person to whom it relates, or;

(c) its release is necessary for the administration of an Act or regulation in Québec or in Romania.

5. The agencies of both Parties shall ensure, during the transmission of the information referred to in paragraph 2, the use of means preserving the confidentiality of such information.

6. The agency of a Party, to which information referred to in paragraph 2 is released, shall protect it against unauthorized access, alteration and release.

7. The agency of a Party, to which personal information referred to in paragraph 2 is released, shall take the necessary measures to ensure that this information is up to date, accurate and complete so as to serve the purposes for which it was collected. As need be, it shall correct the information held and shall destroy any information whose collection or storage is not authorized by an Act or regulation which applies to it. It shall also destroy, upon request, the information whose transmission is not authorized by the laws and regulations of the transmitting Party.

8. Subject to the laws and regulations of a Party, the information received by a Party, because of the application of the Agreement, shall be destroyed when the purposes for which it was collected or used are completed. The agencies of both Parties shall use safe and final means of destruction, and shall ensure the confidentiality of the personal information awaiting destruction.

9. Upon request to an agency of a Party, the person concerned has the right to be informed of the release of personal information referred to in paragraph 2 and of its use for purposes other than the application of the Agreement. That person may also have access to the personal information concerning him or her and have the said information corrected, except as otherwise provided by the laws and regulations of the Party on whose territory the information is held.

10. The competent authorities of the Parties shall inform each other of any changes to the laws and regulations concerning the protection of personal information, particularly with regards to other grounds on which it may be used or released to other entities without the consent of the person concerned.

11. The provisions of paragraphs 2 et seq. shall apply, with the necessary adaptations, to other confidential information obtained within the framework of the application of the Agreement or by reason thereof.

**ARTICLE 43**  
**MUTUAL ADMINISTRATIVE 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) communicate to each other any information on measures adopted for the purpose of applying the Agreement or on amendments to their legislation if such amendments affect the application of the Agreement, and;
- (d) notify each other of problems encountered in interpreting or applying the Agreement.

**ARTICLE 44**  
**REIMBURSEMENT BETWEEN INSTITUTIONS**

1. The competent institution of a Party shall reimburse the institution of the other Party the cost of benefits provided on its behalf, in accordance with Chapters 1 and 3 of Part III.
2. The competent institution of a Party shall reimburse the competent institution of the other Party for costs incurred for examinations carried out in accordance with Article 40. However, the release of examinations or other information already in the possession of the competent institutions shall constitute an integral part of mutual administrative assistance and shall be performed without charge.
3. The Parties shall specify in an administrative arrangement whether they waive, in whole or in part, the reimbursement of those costs.

**ARTICLE 45**  
**COMMUNICATIONS**

1. The competent authorities, liaison agencies and competent institutions of both Parties may communicate with each other in their official language.
2. A decision of a tribunal or competent institution may be communicated directly to a person staying or residing in the territory of the other Party.

**ARTICLE 46**  
**SETTLEMENT OF DISPUTES**

1. The competent authorities of both Parties shall settle any dispute between them concerning the interpretation or application of the Agreement.

2. If the dispute is not resolved by the competent authorities, it must be submitted for resolution by consultation between both Parties.

**PART V**  
**TRANSITIONAL AND FINAL PROVISIONS****ARTICLE 47**  
**TRANSITIONAL PROVISIONS**

1. The Agreement shall not confer any right to the payment of benefits for a period predating its entry into force.
2. For the purposes of Chapter 1 of Part III and subject to the provisions of paragraph 1, an insurance period completed prior to the entry into force of the Agreement shall be taken into consideration when determining entitlement to benefits hereunder.
3. For the purposes of Chapter 2 of Part III and subject to the provisions of paragraph 1:

- (a) an insurance period completed prior to the entry into force of the Agreement shall be taken into consideration when determining entitlement to benefits hereunder;
- (b) benefits other than death benefits shall be owed under the Agreement even if related to an event predating its entry into force;
- (c) when the claim for benefits, which must be granted in application of Article 22, is filed within two years from the entry into force of the Agreement, the rights resulting from the Agreement shall be acquired from the entry into force of the Agreement or the date of entitlement to a retirement, survivor or disability benefit, if that date is later than the entry into force of the Agreement, notwithstanding the provisions of the legislation of either Party relating to the forfeiture of rights;

- (d) benefits that have been turned down, reduced, or suspended because of nationality or place of residence shall, at the request of the person interested, be awarded or reinstated as of the entry into force of the Agreement;

- (e) benefits awarded before the entry into force of the Agreement shall be reviewed at the request of the person interested, or ex officio, and if the review leads to lower benefits than those awarded prior to the entry into force of the Agreement, the benefits shall be maintained at their previous level;

(f) if the request referred to in subparagraphs *d* and *e* is filed within two years of the entry into force of the Agreement, the rights created hereunder shall be acquired as of its entry into force, notwithstanding the provisions of the legislation of either Party regarding the forfeiture of rights;

(g) if the request referred to in subparagraphs *d* and *e* is filed after the two-year deadline of the entry into force of the Agreement, rights that have not been forfeited shall be taken into account in determining the eligibility to benefits and its cost apportionment between the competent institutions.

4. For the purposes of Chapter 3 of Part III, any period of risky activity accomplished under the legislation of a Party before the entry into force of the Agreement shall be taken into account in determining the eligibility to benefits and its cost apportionment between the competent institutions.

5. For the purposes of Article 8, persons shall only be deemed to have been seconded as of the entry into force of the Agreement.

#### **ARTICLE 48** ENTRY INTO FORCE AND DURATION

1. Each Party shall notify the other once the internal procedures required for the entry into force of the Agreement have been completed. The date of the last of the two notifications shall be considered the date of entry into force of the Agreement.

2. The Agreement shall be concluded for an indefinite period. It may be terminated by one of the Parties by notifying the other Party. The Agreement shall expire six months after the date of notification to the other Party.

3. If the Agreement is terminated, all rights acquired under the provisions of the Agreement shall remain in effect. The competent authorities must make arrangements concerning the rights in the course of being acquired.

Done at Québec on 19 November 2013, in duplicate, in French and Romanian languages, both texts being equally authentic.

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FOR THE GOUVERNEMENT  
DU QUÉBEC  
JEAN-FRANÇOIS LISÉE

\_\_\_\_\_  
FOR THE GOVERNMENT  
OF ROMANIA  
MARIA LIGOR

#### **SCHEDULE 2**

(s. 2)

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

THE GOUVERNEMENT DU QUÉBEC  
AND  
THE GOVERNMENT OF ROMANIA

**hereinafter referred to as “the Parties”**

CONSIDERING Article 36 of the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania,

HAVE AGREED AS FOLLOWS:

#### **ARTICLE 1** DEFINITIONS

In this Administrative Arrangement,

(a) the term “Agreement” means the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania signed at Québec on November 19, 2013;

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

#### **ARTICLE 2** LIAISON AGENCIES

1. In accordance with the provisions of paragraph 2 of Article 36 of the Agreement, the liaison agencies designated by each of the Parties shall be:

(a) for the Gouvernement du Québec:

— the Bureau des ententes de sécurité sociale of the Régie des rentes du Québec or any other agency that the Gouvernement du Québec may subsequently designate;

(b) For the Government of Romania:

— The National Fund for Public Pension for old age (age limit, early and partial early), disability, survivor, for death benefits, benefits in cash and in kind for industrial accidents and occupational diseases;

— The National Fund for Health Insurance for sickness and maternity benefits.

2. For the implementation of the Agreement and this Arrangement, the liaison agencies designated in paragraph 1 may communicate with each other or with the persons concerned or their legal representatives.

**ARTICLE 3**  
CERTIFICATE OF COVERAGE

1. For the purposes of Articles 7, 8, paragraph 1 of Article 10 and Article 11 of the Agreement, when a person remains subject to the legislation of one Party while working in the territory of the other Party, a certificate of coverage shall be issued:

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

(b) by the competent institution of the government of Romania, where the person remains subject to the legislation of Romania.

2. The liaison agency or competent institution issuing the certificate, shall forward it to the person concerned or, where applicable, his employer and shall send a copy to the competent institution or liaison agency of the other Party.

3. The person referred to in paragraph 1 must retain the certificate during the entire period of activity in the territory of the other Party, to present it upon request of an agency of that Party.

4. For the purposes of paragraph 2 of Article 8 of the Agreement, the request for extension is sent to the liaison agency or the competent institution of the Party that issued the certificate. This liaison agency or competent institution shall seek the approval of the competent institution or liaison agency of the other Party. The certificate issued shall contain the registration number and the date of approval. It is forwarded to the person concerned or, where applicable, his employer and a copy is sent to the liaison agency or the competent institution of the other Party.

5. For the purposes of Article 11 of the Agreement, the provisions of paragraph 4 pursuing at obtaining approval between the liaison agency of the Gouvernement du Québec and the competent institution of the Government of Romania shall apply, with necessary adaptations. The liaison agency of the Gouvernement du Québec is responsible for obtaining the decision of the competent institutions of Québec.

BENEFITS IN CASE OF SICKNESS

**ARTICLE 4**  
FORMALITIES FOR THE ENTITLEMENT,  
MAINTENANCE OR RECOVERY OF THE RIGHT  
TO BENEFITS

1. For the application of Articles 15 and 16 of the Agreement, information on the insured periods completed previously shall be provided by the institution of the Party whose legislation the person has been subjected to earlier by means of a form attesting to the insurance periods.

2. In order to receive benefits in kind in the territory of Québec, persons must register with the Régie de l'assurance maladie du Québec by using the registration form intended for this purpose and presenting, in addition to the document relating to their immigration status in Québec and proof of establishment of domicile, the attestation form referred to in paragraph 1. Entitlement to benefits shall be established upon receipt of these documents by the Régie de l'assurance maladie du Québec with retroactive effect to the day of arrival.

3. In order to receive benefits in kind in the territory of Romania, persons must register with the competent institution of Romania, under the conditions set by the legislation of Romania, by presenting the attestation form referred to in paragraph 1. These benefits shall be granted from the day of arrival in the territory of Romania.

**ARTICLE 5**  
FORMALITIES PRECEDING THE SERVICE OF  
BENEFITS TO SECONDED PERSONS, TO THEIR  
SPOUSE AND TO THEIR DEPENDENTS

For the purposes of Article 17 of the Agreement:

(a) in Québec, persons must register with the Régie de l'assurance maladie du Québec by using the registration form intended for this purpose and presenting the document relating to their immigration status in Québec and the attestation of eligibility for benefits in case of sickness;

(b) in Romania, persons must register with the competent institution of Romania, under the conditions set by the legislation of Romania, by presenting the attestation of eligibility for benefits in case of sickness.

The provisions of paragraphs *a* and *b* shall apply to the spouse and the dependents accompanying or joining the worker as long as their names appear on the attestation of eligibility for benefits in case of sickness that was issued to the worker.

**ARTICLE 6**  
FORMALITIES PRECEDING THE SERVICE OF  
BENEFITS DURING A STAY FOR STUDIES

For the purposes of Article 18 of the Agreement:

(a) in Québec, persons must register with the Régie de l'assurance maladie du Québec by using the registration form intended for this purpose and presenting the document relating to their immigration status in Québec and the form attesting of their status of insured person established by the competent institution of Romania;

(b) in Romania, persons must register with the competent institution of Romania, under the conditions set by the legislation of Romania, by presenting the form attesting of their status of insured person established by the Régie de l'assurance maladie du Québec.

The provisions of paragraphs *a* and *b* shall apply to the spouse and the dependents accompanying or joining the person referred to in the previous paragraphs as long as their name appears on the form delivered to the latter.

RETIREMENT, DISABILITY, AND  
SURVIVOR BENEFITS

**ARTICLE 7**  
BENEFITS

1. For the purposes of Chapter 2 of Part III of the Agreement, a claim for benefits under the Agreement may be filed with the liaison agency or competent institution, as the case may be, of either Party, along with the required supporting documents.

2. When a liaison agency or competent institution receives a claim for benefits under the legislation applied by the other Party, the claim shall be forwarded without delay to the other competent institution or liaison agency, along with copies of the provided supporting documents certified as being true copies of the originals, while indicating the date the claim was received.

3. Information relating to the civil status included in the claim must be certified by the liaison agency or the competent institution as being true to the information contained on the original supporting documents. The certification of this information shall exempt the liaison agency or the competent institution from transmitting the corresponding supporting documents.

4. A copy of the claim and supporting documents shall be kept by the liaison agency or competent institution with which the claim was initially filed. If requested, a copy shall be made available to the competent institution of the other Party.

5. The liaison agency or competent institution shall confirm, by means of an agreed form, insurance periods recognized under the applicable legislation.

6. If so requested by the competent institution of a Party, the liaison agency or competent institution of the other Party shall include all available information or medical documentation relating to the disability of the claimant or beneficiary.

7. As soon as it reaches a decision on a claim under the legislation it administers, the competent institution shall notify and inform the claimant of the procedures and time limits for legal remedies provided for in that legislation; it shall also notify the liaison agency or competent institution of the other Party using a liaison form.

8. When the competent institution of a Party notes a change in the situation of a beneficiary, and that this change is likely to affect that beneficiary's right to a benefit under the legislation of the other Party, it shall inform the competent institution of that other Party.

DEATH BENEFITS AS REGARDS ROMANIA

**ARTICLE 8**  
DEATH BENEFITS AS REGARDS ROMANIA

1. To be eligible for a death benefit under the legislation of Romania, the claimant who resides in Quebec may submit his claim to the liaison agency of Québec.

2. The claim must be accompanied by the documentation required by the legislation of Romania.

3. The information provided by the claimant must be accompanied by the original supporting documents or copies certified as being true copies of the originals by the liaison agency of Québec.

BENEFITS IN CASE OF OCCUPATIONAL INJURY

**ARTICLE 9**  
COMPETENT INSTITUTIONS

For the purposes of Chapter 3 of Part III of the Agreement, the competent institutions are, regarding the legislation of Québec, the Commission de la santé et de la sécurité du travail, hereafter called "CSST", and regarding the legislation of Romania, the Territorial Pension Funds.

**ARTICLE 10**  
**DECLARATION OF THE OCCUPATIONAL INJURY**  
**AND EXCHANGE OF INFORMATION BETWEEN**  
**THE COMPETENT INSTITUTIONS**

1. When a worker suffers an occupational injury under the legislation of a Party, while he is in the territory of the other Party, the declaration of the industrial accident or occupational disease must be done in accordance to the legislation of the competent institution, without taking into account the legislation in force in the territory where the industrial accident or occupational disease occurred.

2. The institution of the Party in whose territory the occupational injury occurred shall forward to the competent institution all information and documents needed to process the application, including medical reports and investigation reports.

**ARTICLE 11**  
**BENEFITS IN KIND TO THE WORKER SUBJECT**  
**TO THE LEGISLATION OF ONE PARTY AND**  
**STAYING OR RESIDENT IN THE TERRITORY**  
**OF THE OTHER PARTY**

In order to receive benefits in kind as a result of an industrial accident or an occupational disease under Article 31 of the Agreement, the worker subject to the legislation of one Party and staying or residing in the territory of the other Party shall submit to the institution of the place of stay or residence a form issued by the competent institution certifying that he or she is entitled to receive benefits in kind as a result of his industrial accident or occupational disease. The form shall specify the type of benefits in kind and the period for which they can be granted. If the worker is not in possession of the said form, the institution of the place of stay or residence shall request it from competent institution.

**ARTICLE 12**  
**RELAPSE**

1. In case of relapse, the worker referred to in Article 30 of the Agreement shall provide the institution of the place of stay or residence with the necessary information relating to benefits previously granted in reason of the accident or occupational disease related to this relapse. If deemed necessary, it may inquire upon the institution which provided the benefits in order to obtain any relevant details.

2. For purposes of paragraph *ii* of subparagraph *a* of paragraph 2 of Article 30, the institution of the place of stay or residence which shall bear the additional benefits corresponding to the relapse shall notify the competent institution of the other Party.

3. For the purposes of subparagraph *b* of paragraph 2 of Article 30, a copy of the decision of refusal notified to the worker by the institution of the place of stay or residence shall be forwarded to the competent institution of the other Party, along with the claim and the documents referred to in paragraph 1 so that it may make a decision on the relapse, according to the legislation it administers.

**ARTICLE 13**  
**SERVICE OF BENEFITS IN KIND**

For the purposes of Article 31 of the Agreement:

1. If it is established by the competent institution that it is an industrial accident or an occupational disease, the benefits in kind shall be provided as benefits for industrial accident or occupational disease from the date on which the accident occurred or the disease was declared.

2. If it is not established by the competent institution that it is an industrial accident or an occupational disease, the benefits in kind shall be provided in accordance with the provisions of Chapter 1 of the Agreement.

The competent institution shall inform without delay the institution of the place of stay or residence of its decision.

**ARTICLE 14**  
**GRANTING OF BENEFITS OF**  
**GREAT IMPORTANCE**

1. For the purposes of Article 32 of the Agreement, when the institution of the place of stay or residence provides for the granting of prostheses, large devices or other benefits in kind of great importance, it shall ask the competent institution to transmit its decision on such benefits, using the prescribed form. If, however, these benefits have already been granted because of an emergency, the institution of the place of stay or residence shall notify the competent institution and the acknowledgement of receipt of this notice shall then be considered as retroactive authorization.

2. Benefits referred to in paragraph 1 shall be provided in accordance with the conditions and manner prescribed by the legislation administered by the institution of the place of stay or residence, unless otherwise stated by the competent institution.

**ARTICLE 15**  
**ASSESSMENT OF THE DEGREE OF DISABILITY**

For the purposes of Article 33 of the Agreement, the worker and the competent institution to which he was previously affiliated must provide the competent institution

dealing with the claim, at the request of the latter and insofar as it is required to process this claim, with information on occupational injuries that occurred under the previous legislation.

#### **ARTICLE 16**

##### **DOUBLE EXPOSURE TO SAME RISK**

1. The competent institution that examines a claim filed pursuant to paragraph 1 of Article 34 shall request confirmation from the competent institution of the other Party, using the appropriate form, of the duration of the work periods involving contributory exposure, given the occupational disease diagnosed, and completed under the legislation it administers.

2. When the competent institution that examines the claim concludes that it cannot, in accordance with the legislation it administers, grant the claim, even taking into account the provisions of paragraph 1 of Article 34 of the Agreement, that institution shall notify the worker or, in case of death, the beneficiaries of its decision indicating the reasons for refusal and the procedures and time limits for legal remedies provided for by law. That institution shall notify the worker or, in case of death, the beneficiaries of the possibility to consent to the transmission, to the competent institution of the other Party, of a copy of the decision and its accompanying documents so that the latter may make its own decision on the claim. If there is consent, that institution shall forward without delay, to the competent institution of the other Party, a copy of the decision and its accompanying documents.

3. In the case where a legal remedy is lodged against the decision to deny benefits of the competent institution of the first Party, that institution shall be obliged to inform the competent institution of the other Party of the proceedings and of any subsequent final decision made.

#### **MISCELLANEOUS AND FINAL PROVISIONS**

#### **ARTICLE 17**

##### **REIMBURSEMENT BETWEEN COMPETENT INSTITUTIONS**

1. For the purposes of Article 44 of the Agreement, at the end of each calendar year, when the competent institution of one Party has served benefits in kind or carried out examinations on behalf of and at the expense of the competent institution of the other Party, the competent institution of the first Party shall forward to the competent

institution of the other Party a request for reimbursement of the cost of benefits served and fees pertaining to the examinations carried out during that year, indicating the amount owed. The request for reimbursement is accompanied by individual cost statements and an introductory letter of debt.

2. The amounts owed must be paid during the semester following the date of receipt of the requests for reimbursement, addressed in accordance with the provisions of paragraph 1.

3. For the purposes of paragraph 2 of Article 44, if the medical examination is carried out for the needs of both competent institutions, there shall be no refund of fees.

#### **ARTICLE 18**

##### **PROCEDURES, ATTESTATIONS AND FORMS**

The common procedures, model attestations and forms required for the application of the Agreement and this Administrative Arrangement shall be established, by mutual agreement, by the liaison agencies or by the competent institutions of both Parties.

#### **ARTICLE 19**

##### **STATISTICAL DATA**

The liaison agencies of both Parties shall exchange statistical data, in the form agreed upon and as soon as they are available, concerning payments made to beneficiaries, for the purpose of the application of Chapter 2 of Part III of the Agreement during each calendar year. Such data shall include the number of beneficiaries and the total amount of benefits by category.

#### **ARTICLE 20**

##### **ENTRY INTO FORCE AND DURATION**

The Administrative Arrangement shall enter into force on the same day as the Agreement and its duration shall be the same as that of the Agreement.

Done at Québec on 19 November 2013, in duplicate, in French and Romanian languages, both texts being equally authentic.

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FOR THE GOUVERNEMENT  
DU QUÉBEC  
JEAN-FRANÇOIS LISÉE

\_\_\_\_\_  
FOR THE GOVERNMENT  
OF ROMANIA  
MARIA LIGOR

**SCHEDULE 3**

(s. 2)

**PROTOCOL TO THE ADMINISTRATIVE  
ARRANGEMENT FOR THE IMPLEMENTATION  
OF THE AGREEMENT ON SOCIAL SECURITY  
BETWEEN THE GOUVERNEMENT DU QUÉBEC  
AND THE GOVERNMENT OF ROMANIA**

**The Gouvernement du Québec and the Government  
of Romania, hereafter referred to as “the Parties”**

Given the good relations between the Parties;

Desiring to ensure favorable conditions for the implementation of the Agreement on Social Security and the Administrative Arrangement for the implementation of the Agreement;

Given paragraph 3 of Article 44 of the Agreement on Social Security and Article 17 of the Administrative Arrangement for the implementation of the Agreement;

The Parties have agreed as follows:

**ARTICLE 1**

The Parties shall reciprocally renounce to the reimbursement of health benefits in kind provided for in Articles 17 and 18 of the Agreement on Social Security, and Articles 5 and 6 of the Administrative Arrangement for the implementation of Agreement.

**ARTICLE 2**

This Protocol shall enter into force on the same date as the Agreement and the Administrative Arrangement for the implementation of Agreement and shall have an initial term of 5 years.

**ARTICLE 3**

This Protocol shall be extended automatically for further periods of validity of two years each unless there is denunciation by a Party, which must be notified to the other Party twelve months before the expiration of the 2 year term.

Done at Québec on 19 November 2013, in duplicate, in French and Romanian languages, both texts being equally authentic.

FOR THE GOUVERNEMENT  
DU QUÉBEC  
JEAN-FRANÇOIS LISÉE

FOR THE GOVERNMENT  
OF ROMANIA  
MARIA LIGOR

102454

Gouvernement du Québec

**O.C. 1185-2015, 16 December 2015**

An Act respecting occupational health and safety  
(chapter S-2.1)

**Implementation of the provisions relating  
to industrial accidents and occupational diseases  
contained in the Agreement on Social Security  
between the Gouvernement du Québec and  
the Government of Romania**

**—Approval**

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

WHEREAS the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania as well as the consequential Administrative Arrangement and Protocol were signed at Québec on 19 November 2013;

WHEREAS the National Assembly approved the Agreement on 19 May 2015;

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

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, the draft regulations of the Commission de la santé et de la sécurité du travail respecting the implementation of agreements on social security signed by the Gouvernement du Québec are excluded from the application of the Regulations Act (chapter R-18.1);

WHEREAS the Commission de la santé et de la sécurité du travail made the draft Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania at its sitting of 17 September 2015;

WHEREAS, under section 224 of the Act respecting occupational health and safety, the Regulation must be submitted to the Government for approval;