

## Regulations and other Acts

Gouvernement du Québec

**O.C. 247-2017, 22 March 2017**

Tax Administration Act  
(chapter A-6.002)

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

**Agreement on Social Security between the  
Gouvernement du Québec and the Government  
of the Republic of Korea  
—Ratification and making of the Regulation  
respecting the implementation of that Agreement**

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

WHEREAS Order in Council 956-2014 dated 5 November 2014 authorized the Minister of International Relations and La Francophonie to sign alone an agreement and an administrative arrangement on social security between the Gouvernement du Québec and the Government of the Republic of Korea;

WHEREAS the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Korea as well as the Administrative Arrangement consequent thereto were signed at Québec on 24 November 2015;

WHEREAS this Agreement on Social Security aims, in particular, to guarantee the benefits of the coordination in the fields of retirement, survivorship, disability and death to the persons concerned;

WHEREAS the terms and conditions of this Agreement are set out in an Administrative Arrangement annexed to the Agreement;

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 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 a country other than Canada;

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 11 May 2016;

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, proposed regulations of the Government, in particular, respecting the implementation of agreements on social security signed by the Gouvernement du Québec under section 215 of the Act respecting the Québec Pension Plan and section 9 of the Tax Administration Act, 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 and the Minister of Finance:

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Korea, signed at Québec on 24 November 2015 and approved by the National Assembly on 11 May 2016, whose text is attached to the implementing regulation of this Agreement 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 the Republic of Korea, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*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 Korea**

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

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

**1.** The Act respecting the Québec Pension Plan (chapter R-9) 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 the Republic of Korea, signed at Québec on 24 November 2015 attached as Schedule 1.

**2.** This Act and those regulations apply in the manner stipulated in that Agreement and the Administrative Arrangement for the application of the Agreement attached as Schedule 2.

**3.** This Regulation comes into force on 1 September 2017.

### **SCHEDULE 1** (s. 1)

#### **UNDERSTANDING ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE REPUBLIC OF KOREA**

#### **THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE REPUBLIC OF KOREA**

(hereinafter referred to as the “Parties”),

HAVING RESOLVED to regulate the relationship between them in the field of social security,

HAVE AGREED AS FOLLOWS:

### **PART 1** **GENERAL PROVISIONS**

#### **ARTICLE 1** **DEFINITIONS**

1. For the purpose of this Understanding:

(a) “competent authority” means, as regards Québec, the Québec Minister responsible for administering the legislation referred to in Article 2, and as regards the Republic of Korea (hereinafter referred to as “Korea”), the Minister of Health and Welfare;

(b) “competent institution” means, as regards Québec, the Québec department or agency responsible for administering the legislation referred to in Article 2, and as regards Korea, the National Pension Service;

(c) “legislation” means laws and regulations specified in Article 2;

(d) “benefit” means any benefit provided for in the legislation specified in Article 2 of this Understanding;

(e) “national” means, as regards Québec, a Canadian citizen who is or has been subject to the legislation of Québec or has acquired rights under that legislation, and as regards Korea, a national of Korea as defined in the Nationality Law, as amended;

(f) “period of coverage” means, as regards Québec, any year for which contributions or disability pension benefits have been paid under the legislation of Québec or any other year considered as equivalent, and as regards Korea, any period of contributions that has been recognized and completed under the legislation of Korea, as well as any period recognized as equivalent to a period of contribution under that legislation.

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

#### **ARTICLE 2** **MATERIAL SCOPE**

1. This Understanding shall apply:

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

(b) to the legislation of Korea concerning the National Pension.

2. The Understanding shall also apply to future legislation which amends, supplements, consolidates or supersedes the legislation specified in paragraph 1 of this Article.

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

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

5. Unless otherwise provided in this Understanding, the legislation referred to in paragraph 1 of this Article shall not include treaties or other international agreements on social security that may be concluded between a Party and a third party, or legislation promulgated for their specific implementation.

#### **ARTICLE 3** PERSONAL SCOPE

Unless otherwise provided in this Understanding, this Understanding shall apply to any person who is or who has been subject to the legislation of either Party, to the dependants and survivors of such a person within the meaning of the applicable legislation of either Party, and to any person who has acquired rights under that legislation.

#### **ARTICLE 4** EQUALITY OF TREATMENT

Unless otherwise provided in this Understanding, any person described in Article 3 shall, in the application of the legislation of that Party, receive equal treatment with the nationals of that Party.

#### **ARTICLE 5** EXPORT OF BENEFITS

Unless otherwise stipulated in the Understanding, any benefit acquired under the legislation of a Party or under the Understanding shall not be reduced, modified, suspended, cancelled, or confiscated simply because the beneficiary resides or stays outside the territory of the Party where the debtor institution is located. These benefits shall be payable to the beneficiary wherever he or she resides or stays.

## **PART II** PROVISIONS ON COVERAGE

### **ARTICLE 6** GENERAL RULE

Except as otherwise provided in this Part, a person employed within the territory of one Party shall, with respect to that employment, be subject only to the legislation of that Party.

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

1. A person who resides in the territory of a Party and who is engaged in self-employment in the territory of the other Party or in the territory of both Parties shall, in respect of that self-employment, be subject only to the legislation of the first Party.

2. A person who is self-employed in the territory of a Party and employed in the territory of the other Party shall be subject only to the legislation of the Party in whose territory he or she resides.

### **ARTICLE 8** DETACHED EMPLOYEES

1. Where a person in the service of an employer having a place of business in the territory of one Party is sent by that employer to work on that employer's behalf in the territory of the other Party, only the legislation on compulsory coverage of the first Party shall continue to apply with regard to that employment during the first sixty calendar months as though the employee were still employed in the territory of the first Party. This paragraph shall also apply to an employee who has been sent by his or her employer in the territory of one Party to the employer's affiliated or subsidiary company in the territory of the other Party.

2. In case the detachment continues beyond the period specified in paragraph 1 of this Article, the legislation of the first Party shall continue to apply, provided that the competent authorities or competent institutions of both Parties consent.

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

A person who, but for this Understanding, would be subject to the legislation of both Parties in respect of employment as a member of the crew of a ship or aircraft shall be subject only to the legislation of Québec if the person resides in Québec and only to the legislation of Korea in any other case.

**ARTICLE 10**  
MEMBERS OF DIPLOMATIC MISSIONS

Nothing in this Understanding shall affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or of the Vienna Convention on Consular Relations of April 24, 1963.

**ARTICLE 11**  
EXCEPTIONS

The competent authorities or competent institutions of both Parties may, by common agreement, make exceptions in the application of this Part with respect to any persons, or category of persons, provided that any affected person shall be subject to the legislation of either Party.

**PART III**  
PROVISIONS ON BENEFITS

**ARTICLE 12**  
BENEFITS UNDER THE LEGISLATION  
OF QUÉBEC

1. When a person has completed periods of coverage under the legislation of both Parties and is ineligible for benefits by virtue of periods of coverage completed solely under the legislation of Québec, the competent institution of Québec shall totalize, to the extent necessary for entitlement to benefits under the legislation of Québec, the periods of coverage completed under the legislation of both Parties, provided that they do not overlap.

2. If a person who has been subject to the legislation of both Parties meets the requirements for entitlement to benefits for himself or herself, his or her dependents, survivors, or other rightful claimants under the legislation of Québec without having recourse to the totalization principle set forth in paragraph 1, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the legislation that it administers.

3. If the person referred to in paragraph 2 does 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 Korea certifies that periods of coverage of at least three (3) months in a single calendar year has been credited under the legislation of Korea, 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 paragraph 1 of this Article, the years recognized under subparagraph *a* and the periods completed under the legislation of Québec.

4. When the totalization set forth in paragraph 3 entitles a person 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 Understanding 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 13**  
BENEFITS UNDER THE LEGISLATION OF KOREA

1. If a person is not eligible for old-age, survivors or disability benefits under the legislation of Korea based on periods of coverage credited exclusively under the legislation of Korea, the competent institution of Korea shall take into account the person's periods of coverage credited under the Québec Pension Plan, insofar as they do not coincide, for the purpose of establishing the person's entitlement to benefits under the legislation of Korea. The preceding sentence shall not apply for the purpose of establishing entitlement to old-age, survivors or disability benefits unless the person has completed at least twelve months of coverage under the legislation of Korea.

2. To qualify for a disability or survivors benefit, the requirement of the legislation of Korea that a person be covered when the insured event occurs shall be considered to have been met if the person is insured for a benefit under the Québec Pension Plan during a period in which the insured event occurs according to the legislation of Korea. The preceding sentence shall not apply for the purpose of establishing entitlement to a disability or survivors benefits unless the person has completed at least twelve months of coverage under the legislation of Korea.

3. In determining eligibility for benefits under this Article, the competent institution of Korea shall credit twelve (12) months of coverage for every year of contributions under the Québec Pension Plan certified as creditable by the competent institution of Québec.

4. Where periods of coverage under the Québec Pension Plan are taken into account to establish eligibility for benefits under the legislation of Korea in accordance with this Article, the benefit due shall be determined as follows:

(a) the competent institution of Korea shall first compute a pension amount equal to the amount that would have been payable to the person if all the periods of coverage credited under the legislation of both Parties had been completed under the legislation of Korea. To determine the pension amount, the competent institution of Korea shall take into account the person's average standard monthly income while covered under the legislation of Korea;

(b) the competent institution of Korea shall calculate the partial benefit to be paid in accordance with the legislation of Korea based on the pension amount calculated according to the preceding subparagraph, in proportion to the ratio between the duration of the periods of coverage taken into consideration under its own legislation and the total duration of the periods of coverage taken into consideration under the legislation of both Parties.

5. Lump-sum refunds shall be granted to a Canadian citizen who is or has been subject to the legislation of Québec under the same conditions as they are granted to Korean nationals. However, lump-sum refunds shall be paid to nationals of a third state in accordance with the legislation of Korea.

6. Provisions of the legislation of Korea restricting the entitlement to the disability or survivors benefit due to unpaid contributions at the time when the person has otherwise qualified for the benefit shall apply to the period covered under the legislation of Korea.

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

##### **ARTICLE 14 ADMINISTRATIVE ARRANGEMENT**

1. The competent authorities of the Parties shall conclude an Administrative Arrangement that sets out the measures necessary for the implementation of this Understanding.

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

##### **ARTICLE 15 CLAIM FOR BENEFITS**

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

2. A claim for benefits filed under the legislation of one Party after the date of coming into force of the Understanding 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; or

(b) when a person indicates, at the time of the claim, that periods of coverage 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 provisions set out in paragraph 2 shall not impede a person from requesting that a claim for benefits under the legislation of the other Party be deferred.

##### **ARTICLE 16 PAYMENT OF BENEFITS**

1. All benefits are 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 or other charges 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 in effect on the day the payment is made.

3. In the event that a Party imposes currency controls or other similar measures that restrict payments, remittance or transfers of funds or financial instruments to persons who are outside the territory of that Party, it shall, without delay, take appropriate measures to ensure the payment of any amount that must be paid in accordance with this Understanding to persons described in Article 3.

##### **ARTICLE 17 FILING DEADLINE**

1. Any claim for recourse, notice or appeal 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 it without delay to the competent institution of the first Party.

2. The date on which this claim for recourse, notice or appeal referred to in paragraph 1 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 18** MEDICAL EXAMINATIONS

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

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

3. The competent institution of a Party shall reimburse the competent institution of the other Party for costs incurred for medical examinations carried out in accordance with paragraph 1. However, the communication of medical 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.

#### **ARTICLE 19** 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 Understanding shall not require authentication by the responsible authorities or any other similar formalities.

3. Copies of documents which are certified as true and exact copies by the competent institution of one Party shall be accepted as true and exact copies by the competent institution of the other Party, without further certification.

#### **ARTICLE 20** PROTECTION OF PERSONAL INFORMATION

1. For the purposes of this Article, the term "legislation" has the usual meaning attributed to it in the laws and legislations specified in Article 2 and the domestic laws of each Party regarding the protection of personal information.

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

3. Unless otherwise required by the domestic laws of a Party, personal information concerning an individual which is communicated in accordance with this Understanding to the competent authority or competent institution of that Party by the competent authority or competent institution of the other Party shall be used exclusively for purposes of implementing this Understanding and the legislation to which this Understanding applies. Such information received by a competent authority or competent institution of a Party shall be governed by the legislation of that Party.

4. The competent authorities or competent institutions of both Parties shall ensure, during the transmission of the information referred to in paragraph 3, the use of means preserving the confidentiality of such information.

5. The competent authority or competent institution of a Party, to which personal information referred to in paragraph 3 is communicated, shall protect it against unauthorized access, alteration and communication.

6. The competent authority or competent institution of a Party, to which personal information referred to in paragraph 3 is communicated, 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 destroy any information whose collection or storage is not authorized by the legislation which applies to it. It shall also destroy, upon request, the information whose transmission is not authorized by the legislation of the transmitting Party.

7. Subject to a Party's legislation, the information received by a Party, because of the administration of this Understanding, shall be destroyed when the purposes for which it was collected or used are completed. The competent authorities or competent institutions of both Parties

shall use safe and final means of destruction, and ensure the confidentiality of the personal information awaiting destruction.

8. Upon request to a competent authority or competent institution of a Party, the person concerned has the right to be informed of the communication of personal information referred to in paragraph 3 and of its use for purposes other than the administration of the Understanding. 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 legislation of the Party on whose territory the information is held.

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

10. The provisions of paragraphs 3 et seq. shall apply, with the necessary adaptations, to other confidential information which are obtained within the framework of the administration of the Understanding or by reason thereof.

#### **ARTICLE 21**

##### **MUTUAL ADMINISTRATIVE ASSISTANCE**

The competent authorities and competent institutions of the Parties shall, within the scope of their respective authorities:

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

(b) assist each other free of charge in any matter concerning the administration of the Understanding, subject to any exceptions provided for in Article 18;

(c) communicate to each other any information on measures adopted for the purpose of administering the Understanding or on amendments to their legislation if such amendments affect the application of the Understanding; and

(d) notify each other of problems encountered in interpreting or administering the Understanding.

#### **ARTICLE 22**

##### **COMMUNICATIONS**

1. The competent authorities, the competent institutions and the liaison agencies of both Parties may communicate with each other in English or in their official language.

2. An application or document may not be rejected by a competent authority or competent institution of a Party solely because it is in an official language of the other Party.

3. A decision of a competent authority or competent institution may be communicated directly to a person staying or residing in the territory of the other Party.

#### **ARTICLE 23**

##### **RESOLUTION OF DIFFICULTIES**

1. Any disagreement regarding the interpretation or application of this Understanding shall be resolved by consultation between the competent institutions of the Parties.

2. A joint commission composed of representatives of the competent authorities or competent institutions of each Party, shall be in charge of monitoring the administration of the Understanding and proposing any changes. The joint commission shall meet, as need be, at the request of either Party.

3. The difficulties relating to the administration or interpretation of the Understanding shall be resolved by the joint commission. In the event that it is not possible to reach a solution through this channel, the dispute shall be settled by mutual agreement by both Parties.

#### **PART V**

##### **TRANSITIONAL AND FINAL PROVISIONS**

#### **ARTICLE 24**

##### **TRANSITIONAL PROVISIONS**

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

2. For the purposes of Part III and subject to the provisions of paragraph 1:

(a) any period of coverage completed before the date of coming into force of this Understanding, and any other relevant events that occurred before that date, shall be taken into consideration in determining the right to a benefit under this Understanding. However, the competent institution of neither Party shall be required to take into account periods of coverage which occurred prior to the earliest date for which periods of coverage may be credited under its legislation;

(b) benefits, other than death benefits under the legislation of Québec, shall be owed under the Understanding even if related to an event predating its coming into force;

(c) when the claim for benefits, which must be granted in application of Part III, is filed within two years from the coming into force of the Understanding, the rights resulting from the Understanding shall be acquired from the coming into force of the Understanding or the date of entitlement to a retirement, survivor or disability benefit, if that date is later than the coming into force of the Understanding, 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 concerned, be awarded or reinstated as of the coming into force of the Understanding;

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

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

(g) if the request referred to in sub paragraphs *d* and *e* is filed after the two-year deadline of the coming into force of the Understanding, rights that have not been forfeited shall be acquired as of the date of the request, subject to more favorable provisions in the applicable legislation.

3. For the purposes of Article 8, persons shall only be deemed to have been detached as of the coming into force of the Understanding.

#### **ARTICLE 25** COMING INTO FORCE AND TERMINATION

1. Each Party shall notify the other Party once the internal procedures required for the coming into force of the Understanding have been completed.

2. This Understanding shall come into force on the first day of the third month following the month in which each Party shall have received from the other Party written notification referred to in paragraph 1.

3. This Understanding may be terminated by one of the Parties by notifying the other Party. Following such notification, the Understanding shall expire on the thirty-first (31st) day of December that follows the notification date by at least twelve (12) months.

4. If the Understanding is terminated, all rights acquired under the provisions of the Understanding shall remain in effect and the Parties will make arrangements concerning the rights in the course of being acquired.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Understanding.

DONE in duplicate at Québec on 24 November 2015 in the French, Korean and English languages, each text being equally authentic.

THE GOUVERNEMENT  
DU QUÉBEC  
CHRISTINE ST-PIERRE

THE GOVERNMENT OF THE  
REPUBLIC OF KOREA  
JIN HUR

#### **SCHEDULE 2** (s. 2)

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

THE COMPETENT AUTHORITY OF THE  
GOUVERNEMENT DU QUÉBEC

AND

THE COMPETENT AUTHORITY OF THE  
GOVERNMENT OF THE REPUBLIC OF KOREA

PURSUANT to paragraph 1 of Article 14 of the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Korea, signed at Québec on 24 November 2015 (hereinafter referred to as the Understanding), the competent authorities;

HAVE AGREED AS FOLLOWS:

#### **ARTICLE 1** DEFINITIONS

The terms used in this Administrative Arrangement shall have the same meaning given to them in Article 1 of the Understanding.

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

1. In accordance with the provisions of paragraph 2 of Article 14 of the Understanding, the liaison agencies designated by each of the Parties shall be:



(a) as regards 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) as regards the Republic of Korea, the National Pension Service.

2. The liaison agencies designated in paragraph 1 are entrusted with the duties defined in this Arrangement.

3. The competent authority of each Party may designate other liaison agencies than stipulated in paragraph 1. In such case, it shall notify without delay the competent authority of the other Party.

### ARTICLE 3 CERTIFICATE OF COVERAGE

1. Where the legislation of one Party is applicable in accordance with cases arising in application of Articles 7, 8 and 11 of the Understanding, the liaison agency of that Party shall issue, upon request of the employer or self-employed person, a certificate stating that the employee or self-employed person remains subject to the legislation of that Party, and indicating the duration for which the certificate will be valid. This certificate will be proof that the employee or self-employed person is exempt from the legislation of the other Party.

2. The liaison agency issuing the certificate of coverage shall forward a copy of that certificate to the liaison agency of the other Party, to the person concerned and, if applicable, to the employer of that person.

3. For the purposes of Article 11 of the Understanding, exceptions from the provisions on coverage must be the result of a joint agreement between the liaison agency of Korea and the liaison agency of Québec who are in charge of obtaining the decision from their respective competent institutions.

### ARTICLE 4 PROCESSING AN APPLICATION

1. The liaison agency or the competent institution of a Party which receives an application for benefits payable under the legislation of the other Party shall, by means of a liaison form, send the application form to the liaison agency or the competent institution of the other Party along with copies of the required supporting documents it has certified as being true copies of the originals along with all other information that the liaison agency or the competent institution of the latter Party may require to establish the applicant's eligibility.

2. If so requested by the competent institution or liaison agency of a Party, the competent institution or liaison agency of the other Party shall indicate on the liaison form the periods of coverage recognized under the legislation that it applies.

3. As soon as it reaches a decision on a claim under the legislation it applies, the competent institution shall notify the claimant of any appeal available and the deadlines for such appeal as provided for in that legislation; it shall also notify the liaison agency of the other Party using the liaison form.

### ARTICLE 5 REIMBURSEMENT BETWEEN INSTITUTIONS

The competent institution of a Party shall reimburse amounts owed under Article 18 of the Understanding upon presentation of a statement of expenses by the competent institution of the other Party.

### ARTICLE 6 FORMS

The model of the attestations or forms required for the administration of the Understanding and this Administrative Arrangement is established, by mutual agreement, by the liaison agencies of both Parties.

### ARTICLE 7 STATISTICS

The liaison agencies of both Parties shall exchange statistical data, in the form agreed upon, concerning payments made to beneficiaries for the purpose of the application of Part III of the Understanding during each calendar year. Such data shall include the number of beneficiaries, the total amount of benefits by category and the number of certificates issued under Article 3 of this Administrative Arrangement.

### ARTICLE 8 COMING INTO FORCE AND DURATION

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

Signed at Québec on 24 November 2015 in duplicate in the French, Korean and English languages, each text having equal authority.

FOR THE COMPETENT  
AUTHORITY OF  
THE GOUVERNEMENT  
DU QUÉBEC  
CHRISTINE ST-PIERRE

FOR THE COMPETENT  
AUTHORITY OF  
THE GOVERNMENT OF  
THE REPUBLIC OF KOREA  
JIN HUR