

2. Validated certificates or forms shall be the subject of mutual notification by the competent authorities of the Parties. They shall be made available to competent institutions by the liaison agencies.

3. The procedure set forth in paragraph 2 of this Article shall also apply to any modifications agreed upon, by common consent between the competent institutions and the liaison agencies, to the certificates or forms referred to in paragraph 1 of this Article.

4. To facilitate the application of the Agreement and the Administrative Arrangement, the competent institutions and the liaison agencies may agree on ways to exchange data electronically or by other secure means.”

ARTICLE 11

The Supplementary Administrative Arrangement of 19 and 26 October 2004 providing the model forms necessary for the application of the Agreement and the Administrative Arrangement shall be repealed. Nevertheless, the certificates and forms provided therein shall remain in force. The forms and certificates subsequently adopted shall be the subject of the mutual notification provided for in Article 37 of the Administrative Arrangement as amended by Article 10 of this Amendment.

ARTICLE 12

This First Amendment to the Administrative Arrangement shall enter into force on the same date as the First Amendment to the Agreement of 17 December 2003.

Done at Québec, on 28 April 2016, in duplicate in the French language.

THE MINISTER OF
INTERNATIONAL RELATIONS
AND LA FRANCOPHONIE
OF QUÉBEC

FOR THE MINISTER OF
SOCIAL AFFAIRS AND
HEALTH OF THE
FRENCH REPUBLIC

CHRISTINE ST-PIERRE

NICOLAS CHIBAEFF
*General Consul of
France in Québec*

103097

Gouvernement du Québec

O.C. 808-2017, 16 August 2017

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

Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 19 December 1998

—Ratification

—Making of the Regulation respecting the implementation

Ratification of the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 19 December 1998 and making of the Regulation respecting the implementation of that Amendment

WHEREAS Order in Council 279-2016 dated 6 April 2016 authorized the Minister of International Relations and La Francophonie to sign alone the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 19 December 1998 and the Second Amendment to the Administrative Arrangement signed on 21 December 1998 for the Implementation of the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French;

WHEREAS these Amendments were signed at Québec on 28 April 2016;

WHEREAS these Amendments aim, in particular, to guarantee the benefits of the coordination in the fields of industrial accidents and occupational diseases, health insurance, hospitalization insurance and other health services to the persons concerned;

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 the Second Amendment to the Memorandum of 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 this Amendment 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 this Amendment was approved by the National Assembly on 31 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 Government under section 10 of the Act respecting the Ministère de la Santé et des Services sociaux;

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

THAT the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998, which Amendment was

signed at Québec on 28 April 2016 and approved by the National Assembly on 31 May 2016, whose text is attached to the implementing regulation of this Amendment mentioned below, be ratified;

THAT the Regulation respecting the implementation of the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 19 December 1998, attached to this Order in Council, be made.

MARC-ANTOINE ADAM,
Associate Secretary General

Regulation respecting the implementation of the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998

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 Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998, which Amendment was signed at Québec on 28 April 2016 and is attached as Schedule 1:

- (1) the Hospital Insurance Act (chapter A-28);
- (2) the Health Insurance Act (chapter A-29);
- (3) the Act respecting prescription drug insurance (chapter A-29.01);
- (4) the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);
- (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 Amendment and the Second Amendment to the Administrative Arrangement signed on 21 December 1998 for the Implementation of the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French attached as Schedule 2.

3. This Regulation comes into force on 1 October 2017.

SCHEDULE 1

(s. 1)

SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT ON SOCIAL SECURITY FOR STUDENTS AND PARTICIPANTS IN COOPERATION PROGRAMS BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE FRENCH REPUBLIC SIGNED AT QUÉBEC ON 19 DECEMBER 1998

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FRENCH REPUBLIC

Hereinafter referred to as the “Parties”

Desirous to amend the Memorandum of Agreement Between the Gouvernement du Québec and the Government of the French Republic on Social Security for Students and Participants in Cooperation Programs, signed at Québec on 19 December 1998 (hereinafter referred to as “the Agreement”),

HAVE AGREED TO THE FOLLOWS PROVISIONS:

ARTICLE 1

Article 1 of the Agreement shall be replaced by the following provisions:

“ARTICLE 1 Definitions

In this Agreement, unless the context indicates otherwise,

Competent authority: means the Québec minister or the French minister responsible for applying the legislation referred to in Article 2;

France-Québec cooperation programs: means the exchange programs between France and Québec referred to in the Administrative Arrangement;

Entente: means the Entente en matière de sécurité sociale entre le gouvernement du Québec et le gouvernement de la République française, signed at Paris on 17 December 2003;

Studies: means studies at one of the educational institutions listed in the Administrative Arrangement in accordance with the requirements set out therein;

France: means the European and overseas departments of the French Republic and the territorial collectivity of Saint Pierre and Miquelon;

Competent institution: means the Québec department or agency or the French social security agency responsible for administering the legislation referred to in Article 2;

Legislation: means present or future laws, regulations, statutory provisions and any other application measures relating to the social security branches and plans referred to in Article 2;

Family members: means the family members at the burden of the insured person according to French legislation;

Dependants: means a spouse or dependants according to Québec legislation;

Post doctorates means:

— as regards France, persons who hold a doctorate and are recruited on a contract of employment for a fixed term as part of research projects, or who benefit from a Québec research grant without being subordinated to an institution of higher learning and research established in France;

— as regards Québec, persons who hold a doctorate and carry out full-time supervised research for a fixed term;

Persons under a French plan: means persons of any nationality, falling within the scope of the legislation referred to in paragraph 1 (b) of Article 2;

Québec nationals: means persons falling within the scope of the legislation referred to in paragraph 1(a) of Article 2 who are domiciled in Québec or who reside therein;

Unpaid training period means:

— where benefits are covered by the French plan, a training period during which the enterprise or the agency or a third party where it is served, does not pay any benefits, or pays living and accommodation expenses up to the amount established in the Administrative Arrangement,

— where benefits are covered by the Québec plan, a training period for which a person does not receive any salary but may receive a bursary or an allowance.

Any term not defined in the Agreement has the meaning given to it under the applicable legislation.

ARTICLE 2

In Articles 4, 5, 7 and paragraph 2 of Article 14 of the Agreement, the word “dependants” shall be replaced by the words “family members”.

ARTICLE 3

At the second dash of subparagraph (a) of paragraph 1 of Article 2 of the Agreement, the words “paragraphs 2 and 5 of Article 4” shall be replaced by the words “paragraphs 2, 4 and 5 of Article 4 and paragraph 1 of article 9.1 regarding seconded workers”.

ARTICLE 4

In paragraph 4 of Article 4 of the Agreement, the words “excluding prescription drug insurance” shall be deleted.

ARTICLE 5

1. In paragraph 2 of Article 4 and Article 5 of the Agreement the words “French nationals” shall be replaced by the words “persons under a French plan”.

2. In paragraph 4 of Article 4 and Articles 8, 12 and 13 of the Agreement, the word “French” shall be replaced by the words “persons under a French plan”.

ARTICLE 6

Article 6 of the Agreement shall be repealed.

ARTICLE 7

In paragraph 1 of Article 7 of the Agreement, the words “Agreement between the Government of the French Republic and the Gouvernement du Québec on social security dated 17 December 2003” shall be replaced by the word “Entente”.

ARTICLE 8

In Article 9 of the Agreement, the words “or the Québec Government” shall be deleted.

ARTICLE 9

After Article 9 of the Agreement, the following Article 9.1 shall be inserted:

“ARTICLE 9.1
Post Doctorates

1. When subordinated to an employer established in France or in Québec, post doctorates shall be covered by the provisions of Article 6 of the Entente, unless they are detached under the Article 8 thereof.

They shall benefit, as well as their family members or dependants accompanying them, benefits in kind in case of sickness or maternity under the conditions set out in Articles 24 or 28 of the Entente.

2. In the absence of such subordination:

(a) post doctorates shall be affiliated in France to the general plan upon fulfilling the residency requirement to qualify for universal health coverage from the day of their arrival in that territory;

(b) post doctorates who carry out research activity in Québec shall be granted benefits in kind in case of sickness or maternity, from the day of their arrival in that territory, under the conditions set by the legislation of Québec.”.

ARTICLE 10

After Article 12 of the Agreement, the following Article 12.1 shall be inserted:

“ARTICLE 12.1
Industrial Accidents or Occupational Diseases Coverage for Post Doctorates

1. Post doctorates referred to in paragraph 1 of Article 9.1 shall be granted benefits in kind in case of industrial accidents or occupational diseases under the provisions of the Entente.

2. As regards France, post doctorates referred to in paragraph 2 of Article 9.1 must individually subscribe, with the French competent institution, to an insurance against the risk of industrial accidents and occupational diseases in order to be granted the corresponding benefits in kind.”.

ARTICLE 11

After Article 14 of the Agreement, the following Article 14.1 shall be inserted:

“ARTICLE 14.1*Protection of Personal Information*

1. For the purposes of this Article, the terms “legislation”, “personal data” and “personal information” shall have the usual meaning given to them in domestic laws of each Party.

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

3. Personal data or information released to an agency of a Party may be used only for the application of the Agreement.

A Party may however use such data or 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 data or 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 in Québec or in France.

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

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

(a) its release 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 in Québec or in France.

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

6. The agency of a Party, to which data or 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 data or information referred to in paragraph 2 is released, shall take the necessary measures to ensure that it remains up to date. As need be, it shall correct it and shall destroy that whose collection or storage is not authorized by the legislation which applies to it. It shall also destroy, upon request from an agency of a Party, the data or information transmitted by mistake.

8. Subject to a Party’s legislation relating to the conservation of personal data or information, this data or information 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 data or 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 data or 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 data or information concerning him or her and have it corrected, in accordance with the legislation of the Party on whose territory the data or information is held.

10. The competent authorities of the Parties shall inform each other of any changes to the legislation concerning this matter.”.

ARTICLE 12

Each Party shall notify the other when the internal procedures required by that Party for the entry into force of this amendment, which takes effect on the first day of the second month following receipt of the last notification.

Done at Québec, on 28 April 2016, in duplicate in the French language.

FOR THE GOUVERNEMENT
DU QUÉBEC

FOR THE GOVERNMENT
OF THE FRENCH REPUBLIC

CHRISTINE ST-PIERRE,
*Minister of International
Relations and
La Francophonie*

ANNICK GIRARDIN,
*Minister of the Civil
Service*

SCHEDULE 2

(s. 2)

**SECOND AMENDMENT TO THE THE
ADMINISTRATIVE ARRANGEMENT SIGNED ON
21 DECEMBER 1998 FOR THE IMPLEMENTATION
OF THE MEMORANDUM OF AGREEMENT ON
SOCIAL SECURITY FOR STUDENTS
AND PARTICIPANTS IN COOPERATION
PROGRAMS BETWEEN THE GOUVERNEMENT
DU QUÉBEC AND THE GOVERNMENT OF
THE FRENCH REPUBLIC**

The Minister of International Relations and La Francophonie of Québec and the Minister of Social Affairs and Health of the French Republic,

DESIROUS to amend the Administrative Arrangement signed on 21 December 1998 for the implementation of the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic, and thereby facilitate exchanges between Québec and France,

HAVE AGREED TO THE FOLLOWS PROVISIONS:

ARTICLE 1

Article 2 of the Administrative Arrangement shall be amended as follows:

1° In subparagraph (a), after the words “general or technological baccalauréat” the words “and also, students in initial vocational training in a vocational school or an institution of higher learning” shall be inserted;

2° Subparagraph (b) shall be replaced by the following provisions:

“(b) in Québec, persons enrolled full time in a vocational program, college program or university program, leading to a diploma in an educational institution recognized by the Ministry of Education, Higher Learning and Research, including preparatory studies for admission to this program;”;

3° In subparagraph (c), the words “of higher learning, college or university” shall be deleted;

4° After subparagraph (c), the following subparagraph (d) shall be inserted:

“(d) in Québec and in France, persons enrolled, in the territory of one Party, in a higher learning institution, college or university, mentioned in subparagraph (a)

or (b), as applicable, and who pursue, in a joint tutoring of doctorate or dual diploma program, part of their studies in the territory of the other Party.”.

ARTICLE 2

Article 3 of the Administrative Arrangement shall be amended as follows:

1° in paragraph 1, the words “before leaving Québec” shall be replaced by the words “before leaving for France”;

2° in paragraph 2, the words “before leaving France” shall be replaced by the words “before leaving for Québec” and the words “dependant”, “dependants” and “new dependant” shall be replaced respectively by the words “family member”, “family members” and “new family member”.

ARTICLE 3

In the first subparagraph of paragraph 2 of Article 3 and paragraph 2 of Article 4 of the Administrative Arrangement, the words “French students” shall be replaced by the words “students covered under a French plan”.

In subparagraph 2 of paragraph 2 of Article 3 of the Administrative Arrangement, the words “French nationality” shall be replaced by the words “coverage under a French plan”.

In the first subparagraph of Article 5 of the Administrative Arrangement, the words “French nationals” shall be replaced by the words “persons under a French plan”.

In Article 7 of the Administrative Arrangement, the words “French trainees” shall be replaced by the words “trainees under a French plan”.

ARTICLE 4

In paragraph 2 of Article 3 and paragraph 2 of Article 4 of the Administrative Arrangement, the words «ministère des Relations avec les Citoyens et de l’Immigration» shall be replaced by the words «ministère de l’Immigration, de la Diversité et de l’Inclusion».

ARTICLE 5

After the first subparagraph of paragraph 1 of Article 4 of the Administrative Arrangement, the following subparagraph shall be inserted:

“As regards Québec, the application shall include enrollment in the prescription drug insurance plan without a premium being paid.”

ARTICLE 6

In the first paragraph of Article 6 of the Administrative Arrangement, the number “6” shall be replaced by the number “7”.

ARTICLE 7

Article 8 of the Administrative Arrangement shall be replaced by the following provisions:

“ARTICLE 8 *Trainee Categories*

For the purposes of Article 8 of the Agreement, the following shall be the trainee categories referred to therein:

—trainees taking part in Office Franco-Québécois pour la Jeunesse (OFQJ) activities undergoing non-mandatory on-the-job training as part of their study program;

—participants in OFQJ activities undergoing on-the-job training as part of a professional induction program;

—participants in France-Québec cooperation programs undergoing a training period or learning stay as part of its programming.”

ARTICLE 8

Article 9 of the Administrative Arrangement shall be amended as follows:

1° In the first subparagraph of paragraph 1, the number “6” shall be replaced by the number “8” and the words “government employees” with the words “unpaid trainees”;

2° The second subparagraph of paragraph 1 shall be deleted;

3° Paragraph 2 shall be replaced with the following provisions:

“2. For the purposes of Article 9 of the Agreement, the specific social security coverage for the Québec trainees awardees of a bursary of the Government of the French Republic shall be organized by Campus France or any other body designated by the competent authority of France.”

ARTICLE 9

After Article 10 of the Administrative Arrangement, the following Article 10.1 shall be inserted:

“ARTICLE 10.1 *Healthcare for Post Doctorates*

For the purposes of paragraph 2 of Article 9.1 of the Agreement and to allow for the acquisition of entitlement thereto:

—Post doctorates who travel to Québec shall provide to the RAMQ a form attesting to their status of insured person or of family member, issued by the French competent institution;

—Post doctorates who travel to France shall provide to the CPAM of their place of residence a form attesting to their status of insured person, issued by the RAMQ.”

ARTICLE 10

In the first dash of subparagraphs (a) and (b) of paragraph 1 of Article 12 of the Administrative Arrangement, the words “Commission de la santé et de la sécurité du travail (CSST)” shall be replaced by the words “Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)”.

ARTICLE 11

In paragraph 1 of Article 13 of the Administrative Arrangement, the number “6” shall be deleted.

ARTICLE 12

Subparagraphs (a) and (b) of Article 14 of the Administrative Arrangement shall be replaced by the following provisions:

“(a) in Québec, the Bureau des ententes de sécurité sociale of Retraite Québec, except as regards reimbursements provided for in Article 14 of the Agreement and Article 13 of this Administrative Arrangement, the RAMQ for benefits in case of sickness or maternity, or the CNESST for benefits in case of industrial accidents or occupational diseases;

(b) in France, the Centre des liaisons européennes et internationales de sécurité sociale, except as regards reimbursements provided for in Article 14 of the Agreement and Article 13 of this Administrative Arrangement, the Caisse nationale d'assurance maladie des travailleurs salariés (CNAMTS) or the caisse primaire d'assurance maladie (CPAM) it has designated for this purpose.”

ARTICLE 13

Article 16 of the Administrative Arrangement shall be replaced by the following provisions:

“ARTICLE 16
Forms

1. The form and content of certificates or forms necessary for the application of the Agreement and the Administrative Arrangement shall be adopted jointly by the competent institutions or the liaison agencies.

2. Validated certificates or forms shall be the subject of mutual notification by the competent authorities of the Parties. They shall be made available to competent institutions by the liaison agencies.

3. The procedure set forth in paragraph 2 of this Article shall also apply to any modifications agreed upon, by common consent between the competent institutions and the liaison agencies, to the certificates or forms referred to in paragraph 1 of this Article.

4. To facilitate the application of the Agreement and the Administrative Arrangement, the competent institutions and the liaison agencies may agree on ways to exchange data electronically or by other secure means.”

ARTICLE 14

The Supplementary Administrative Arrangement setting out the model forms provided in the Administrative Arrangement signed on 21 December 1998 for the implementation of the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic shall be repealed.

Nevertheless, the certificates and forms it contains shall remain in effect. Subsequently adopted forms and certificates shall be the subject of mutual notification provided for in Article 16 of the Administrative Arrangement as amended by Article 13 of this Amendment.

ARTICLE 15

This second amendment to the Administrative Arrangement shall enter into force on the same date as the Second Amendment to the Memorandum of Agreement Between the Gouvernement du Québec and the Government of the French Republic on Social Security for Students and Participants in Cooperation Programs, signed on 19 December 1998.

Done at Québec, on 28 April 2016, in duplicate in the French language.

THE MINISTER OF
INTERNATIONAL RELATIONS
AND LA FRANCOPHONIE
OF QUÉBEC

FOR THE MINISTER OF
SOCIAL AFFAIRS AND
HEALTH OF THE
FRENCH REPUBLIC

CHRISTINE ST-PIERRE

NICOLAS CHIBAEFF
*General Consul of
France in Québec*

103098

Gouvernement du Québec

O.C. 813-2017, 16 August 2017

An Act respecting roads
(chapter V-9)

Roads under the management of the Minister of Transport, Sustainable Mobility and Transport Electrification

CONCERNING roads under the management of the Minister of Transport, Sustainable Mobility and Transport Electrification

WHEREAS, under the first paragraph of section 2 of the Act respecting roads (chapter V-9), the Government determines, by an order published in the *Gazette officielle du Québec*, the roads which shall be under the management of the Minister of Transport, Sustainable Mobility and Transport Electrification;

WHEREAS, under the first paragraph of section 3 of the Act, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of the Minister shall, from the date indicated in the order, be managed by a municipality in accordance with Chapter I and Division I of Chapter IX of Title II of the *Municipal Powers Act* (chapter C-47.1);

WHEREAS, under the second paragraph of section 3 of the *Act respecting roads*, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of a municipality shall, from the date indicated in the order, pass under the management of the Minister;