

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting hunting and fishing controlled zones, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting hunting and fishing controlled zones

An Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 110, 1st par., subpars. 2 and 9)

- 1.** The Regulation respecting hunting and fishing controlled zones (chapter C-61.1, r. 78) is amended by striking out the term “, caribou” wherever it appears.
- 2.** Section 20 is amended by striking out paragraph 6.
- 3.** Schedule II is amended by striking out paragraph 6.
- 4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

103435

Gouvernement du Québec

O.C. 491-2018, 11 April 2018

Tax Administration Act
(chapter A-6.002)

An 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 Poland — 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 Poland and making of the Regulation respecting the implementation of that Agreement

WHEREAS Order in Council 927-2014 dated 22 October 2014 authorized the Minister of International Relations and La Francophonie to sign alone the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Poland and the Administrative Arrangement setting out the terms and conditions of this Agreement;

WHEREAS the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Poland as well as the Administrative Arrangement consequent thereto were signed at Québec on 3 June 2015;

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 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 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 10 February 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 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 Poland, signed at Québec on 3 June 2015 and approved by the National Assembly on 10 February 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 Poland, attached to this Order in Council, be made.

ANDRÉ FORTIER,
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 Poland

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 Poland, signed at Québec on 3 June 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 2018.

SCHEDULE 1 (s. 1)

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

THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE REPUBLIC OF POLAND

Hereinafter referred to as “the Parties”;

HAVING RESOLVED to coordinate their social security schemes;

HAVE AGREED AS FOLLOWS:

PART I **GENERAL PROVISIONS**

ARTICLE 1 **DEFINITIONS**

1. In this Agreement, the following terms and expressions mean:

(a) “legislation”: the laws, regulations and other implementation measures of the Republic of Poland or Québec relating to the material scope referred to in Article 2 of this Agreement;

(b) “competent authority”: the Minister responsible for matters relating to social security for the Republic of Poland or the Québec Minister responsible for the implementation of the legislation;

(c) “liaison body”: institution responsible for the coordination and exchange of information between institutions of each of the Parties for the implementation of this Agreement;

(d) “competent institution”: institution responsible for the implementation of the legislation;

(e) “period of insurance”:

i. for the Republic of Poland: a period taken into account for determining entitlement to benefits in accordance with the legislation of the Republic of Poland, including periods of contribution, equivalent periods and periods of non-contribution;

ii. for Québec: any year for which contributions have been paid or a disability pension has been paid out under the Act respecting the Québec Pension Plan or any other year considered as equivalent;

(f) “benefit”: any benefit in cash provided under the legislation of each Party, including any supplement or increase of such cash benefit;

(g) “territory”: the territory of the Republic of Poland or the territory of Québec;

(h) “national”:

i. for the Republic of Poland: any person who holds Polish citizenship;

ii. for Québec: a Canadian citizen who is or has been subject to the legislation referred in sub-paragraph *b* of paragraph 1 of Article 2 of this Agreement.

2. Any term not defined in this Agreement shall have the meaning given to it in the applicable legislation of each Party.

ARTICLE 2 MATERIAL SCOPE

1. This Agreement shall apply:

(a) as regards the Republic of Poland, to the legislation concerning the following benefits from social insurance and social insurance for farmers:

i. old age, incapacity for work and survivor pensions;

ii. fixed allowances and pensions granted in respect of industrial accidents and occupational diseases;

iii. funeral allowances;

(b) as regards Québec, to the legislation concerning:

i. the Québec Pension Plan;

ii. industrial accidents and occupational diseases.

2. This Agreement shall also apply to any legislation, regulation and other implementation measures that amend, add to, codify or replace the legislation.

3. This Agreement shall also apply to any legislation or regulation that extends the legislation to new categories of beneficiaries or to new benefits, unless the Party concerned notifies a reservation to the other Party at the latest three months after the entry into force of this legislation or regulation.

4. This Agreement shall not apply to legislation or regulation which covers a new branch of social security unless this Agreement is modified for this purpose.

ARTICLE 3 PERSONAL SCOPE

This Agreement shall apply to any person who is or has been subject to the legislation of one or both Parties, as well as to other persons whose rights derive from those of such a person.

ARTICLE 4 EQUAL TREATMENT

Unless otherwise provided for in this Agreement, any person referred to in Article 3 of this Agreement shall be subject to the obligations of the legislation of the other Party and shall be eligible for benefits provided for in that legislation under the same conditions as nationals of that other Party.

ARTICLE 5
EXPORT OF BENEFITS

1. Unless otherwise provided in this Agreement, benefits acquired under the legislation of a Party or pursuant to the application of this Agreement, cannot be reduced, modified, suspended or terminated merely because the beneficiary resides in the territory of the other Party.

2. As regards the Republic of Poland, paragraph 1 shall not apply to benefits granted under special procedure or in exceptional circumstances.

3. Any benefit payable by a Party and acquired pursuant to this Agreement shall be paid to the beneficiary who resides in the territory of a third State, in the same conditions as its own nationals residing in the territory of a third State.

PART II
PROVISIONS ON APPLICABLE LAW**ARTICLE 6**
GENERAL RULES

Subject to Articles 7 to 9 of this Agreement:

(a) a worker who performs work in the territory of one Party shall be subject, with respect to such work, to the legislation of that Party;

(b) a self-employed worker who resides in the territory of a Party, and who works for his or her own account in the territory of the other Party or in the territory of both Parties shall be subject, with respect to such work, only to the legislation of the first Party.

ARTICLE 7
DETACHMENT

A worker, subject to the legislation of a Party and who is sent by his or her employer to the territory of the other Party to perform work on behalf of that employer, shall be subject, with respect to such work, only to the legislation of the first Party as though that work was performed in its territory. This period of detachment may not exceed 60 months without the consent of the competent authorities of both Parties or institutions authorized by them.

ARTICLE 8
GOVERNMENT EMPLOYMENT SERVICE

1. Notwithstanding the provisions of this Agreement, 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.

2. A person employed in the government service of a Party and sent to work in the territory of the other Party shall be subject, regarding such employment, only to the legislation of the first Party.

3. Subject to the provisions of paragraphs 1 and 2, a person residing in the territory of one Party and employed in government service for the other Party shall be subject, regarding such employment, only to the legislation of the first Party.

ARTICLE 9
EXCEPTIONS

The competent authorities of the Parties or the institutions authorized by them may, by mutual consent, modify the application of the provisions of Articles 6, 7 and paragraphs 2 and 3 of Article 8 of this Agreement, as regards a person or category of persons.

PART III
PROVISIONS CONCERNING BENEFITS**CHAPTER 1**
TOTALIZATION**ARTICLE 10**
PERIODS OF INSURANCE UNDER THE
LEGISLATION OF THE REPUBLIC OF POLAND
AND QUÉBEC

If the legislation of a Party makes entitlement to benefits subject to the completion of specific insurance periods by the person, the competent institution of that Party shall totalize, to the extent necessary, the insurance periods completed under the legislation of the other Party, as if they were periods completed under the legislation it administers, with overlapping periods being counted only once.

ARTICLE 11
INSURANCE PERIODS OF LESS THAN ONE YEAR

1. If the total duration of insurance periods completed by a person under the legislation of a Party is less than one year and if those periods alone are insufficient for entitlement to a benefit pursuant to the legislation of that Party, the competent institution of that Party shall not be required, under this Agreement, to grant a benefit to that person in respect of such periods.

2. Notwithstanding the provisions of paragraph 1, such periods shall be taken into account by the competent institution of the other Party for entitlement to a benefit under the legislation of that Party in application of the provisions of this Chapter.

ARTICLE 12
PERIODS OF INSURANCE UNDER THE
LEGISLATION OF A THIRD STATE

If a person is not entitled to a benefit based on admissible insurance periods referred to in Article 10 of this Agreement, the competent institution shall also take into account the insurance periods completed under the legislation of a third State with which both Parties are bound by social security instruments which provide for the totalization of periods.

CHAPTER 2
BENEFITS PAYABLE UNDER THE LEGISLATION
THE REPUBLIC OF POLAND

ARTICLE 13
OLD AGE, INCAPACITY FOR WORK AND
SURVIVORS' PENSIONS

1. If there is entitlement to a pension for old age, incapacity for work or survivor under the legislation of the Republic of Poland, this pension for old age, incapacity for work or survivor shall be calculated exclusively according to the legislation of the Republic of Poland, unless the amount of the pension for old age, incapacity for work or survivor, calculated using the method described in paragraph 2, is more favorable.

2. If entitlement to a pension for old age, incapacity for work or survivor is established exclusively through the application of the totalization provisions described in Articles 10 to 12 of this Agreement, the competent institution of the Republic of Poland shall:

(a) calculate the theoretical amount of the benefit that would be paid if the total duration of insurance periods had been completed under the legislation it administers;

(b) based on the theoretical amount calculated in accordance with sub-paragraph *a*, determine the actual amount of the benefit by applying the ratio of the duration of insurance periods completed under the legislation it administers and the total duration of insurance periods completed under the legislation of each of the Parties and, if necessary, those under the legislation of a third State.

3. For purposes of calculating the basic amount of the benefit, only earnings under the legislation of the Republic of Poland and contributions paid under that legislation shall be taken into account.

4. In cases where the legislation of the Republic of Poland requires for entitlement to a pension for old age, incapacity for work or survivor that a person be insured

at the time when the event that produces legal effects occurred, this requirement shall be deemed fulfilled for the purposes of establishing entitlement if that person was insured under the legislation of Québec.

5. For purposes of determining entitlement to a pension for old age under the legislation of the Republic of Poland and pursuant to Article 10 of this Agreement:

(a) a calendar year which is a period of insurance under the Québec Pension Plan, shall be considered as 12 creditable months under the legislation of the Republic of Poland;

(b) a month which is a creditable period under Canada's Old Age Security Act which applies in the territory of Québec and which is not part of an insurance period under the Québec Pension Plan, shall be considered as a creditable month under the legislation of the Republic of Poland.

6. For purposes of determining entitlement to a benefit other than a pension for old age under the legislation of the Republic of Poland and pursuant to Article 10 of this Agreement, a calendar year which is a period of insurance under the Québec Pension Plan, shall be considered as 12 creditable months under the legislation of the Republic of Poland.

CHAPTER 3
BENEFITS PAYABLE UNDER THE LEGISLATION
OF QUÉBEC

ARTICLE 14
RETIREMENT, DISABILITY AND SURVIVORS'
BENEFITS

1. If a person who has been subject to the legislation of both Parties meets the requirements for entitlement to a benefit for his 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 Articles 10 to 12 of this Agreement, the competent institution of Québec shall determine the amount of the benefit in accordance with the provisions of the legislation that it administers.

2. If the person referred to in paragraph 1 does not meet the requirements for entitlement to a benefit without totalization, the competent institution of Québec shall proceed as follows:

(a) it shall recognize one year of contribution if the competent institution of the Republic of Poland certifies that an insurance period of at least three months in a single

calendar year has been credited under the legislation of the Republic of Poland, 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 Articles 10 to 12 of this Agreement, the years of contribution recognized under sub-paragraph *a* and the insurance periods completed under the legislation of Québec.

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

(a) the amount of the portion of the benefit 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 benefit payable in accordance with the provisions of this Agreement shall be determined by multiplying:

the amount of the flat rate benefit 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.

CHAPTER 4 BENEFITS IN CASE OF INDUSTRIAL ACCIDENTS OR OCCUPATIONAL DISEASES

ARTICLE 15 ENTITLEMENT TO BENEFITS

1. Entitlement to benefits in case of industrial accidents shall be determined according to the legislation that applies at the moment where the industrial accident occurred.

2. Entitlement to benefits in case of occupational disease shall be determined according to the legislation which applied when the person was exposed to the risk causing this disease. In case of exposure to the same risk under the legislation of both Parties, the legislation that applies shall be that of the Party in the territory in which the person resides at the time of making his or her claim.

ARTICLE 16 OCCUPATIONAL DISEASES

1. Where the legislation of a Party requires for entitlement to a benefit in case of an occupational disease that the disease was first diagnosed in the territory of that Party, that condition shall be deemed fulfilled if it is first diagnosed in the territory of the other Party.

2. Where the legislation of a Party requires for entitlement to a benefit in case of an occupational disease that a specific period of work having caused the disease be completed, the competent institution of that Party shall also recognize the exercise of the same type of work under the legislation of the other Party.

ARTICLE 17 AGGRAVATION OF AN OCCUPATIONAL DISEASE

1. Where entitlement to a benefit in case of an occupational disease has been granted in accordance with the legislation of one Party, the competent institution of that Party shall be responsible for the payment of the benefit related to the aggravation of that occupational disease, even if the aggravation occurred while the person was subject to the legislation of the second Party, insofar as that person has not performed work likely to aggravate that disease therein.

2. In case of aggravation of an occupational disease compensated for under the legislation of the first Party while the person performs work likely to aggravate that disease in the territory of the second Party:

(a) the competent institution of the first Party shall continue to bear the cost of the benefit payable under its own legislation as if the disease had not been aggravated;

(b) the competent institution of the second Party to whose legislation the person was subject during the exercise of work likely to aggravate the occupational disease shall bear the cost of the benefit which shall be equivalent to the difference between the amount of the benefit due after the aggravation of the disease and the amount of the benefit that would have been due prior to the aggravation, under the legislation it administers.

CHAPTER 5 DEATH BENEFIT

ARTICLE 18 FUNERAL ALLOWANCE AND DEATH BENEFIT

1. Entitlement to a funeral allowance and a death benefit shall be established by the competent institution in accordance with the legislation applied by each Party.

2. If the legislation of a Party requires that entitlement to benefits provided for in paragraph 1 be dependent on specific insurance periods being completed, the competent institution shall apply the provisions of Article 10 of this Agreement.

3. As regards Québec, the death benefit shall be calculated by applying the provisions of Article 14 of this Agreement.

PART IV ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

ARTICLE 19 ADMINISTRATIVE ARRANGEMENT

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

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

ARTICLE 20 EXCHANGE OF INFORMATION AND ADMINISTRATIVE ASSISTANCE

1. The competent authorities, liaison agencies and competent institutions responsible for the application of this Agreement:

(a) shall communicate to each other, to the extent permitted by the legislation which they administer, any information required for the application of this Agreement;

(b) shall lend their good offices for the purposes of determining entitlement to any benefit or the amount of any benefit payable under this Agreement or the legislation specified therein, as if it were the application of their own legislation;

(c) shall communicate to each other without delay any information concerning measures taken by them for the purposes of the application of this Agreement or changes to their legislation, to the extent that these changes affect the application of this Agreement.

2. The assistance referred to in sub-paragraph *b* of paragraph 1 shall be provided free of charge, subject to any provision relating to the reimbursement of certain types of expenses included in the Administrative Arrangement made pursuant to Article 19 of this Agreement.

ARTICLE 21 MEDICAL ASSESSMENTS

1. To the extent permitted in the applicable legislation, the competent institution of a Party shall, upon request, communicate to the competent institution of the other Party, medical assessments and documents available in the medical record of a claimant or beneficiary.

2. If the competent institution of a Party requires that a claimant or a beneficiary who resides in the territory of the other Party undergo a medical assessment and if it so requests, the competent institution of the other Party shall take the necessary measures for the assessment to be carried out at the expense of the competent institution that requested it.

3. Medical assessments and documents referred to in paragraph 1 cannot be refused solely because they were made in the territory of the other Party.

ARTICLE 22 PROTECTION OF PERSONAL INFORMATION

1. For the purposes of this Article, the term “legal provisions” means the provisions on protection of personal information provided for in the domestic laws of each Party.

2. Any information which allows a natural person to be identified is personal information. Personal information is protected by the legal provisions.

3. The competent authorities, liaison agencies and competent institutions of each Party may release to one another any personal information necessary for the application of this Agreement.

4. Personal information released to a competent authority, liaison agency or competent institution of a Party, within the framework of the application of this Agreement may be used only for the application of this Agreement.

5. 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) when its use is compatible and has a direct and relevant connection with the purposes for which the information was collected, or;

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

(c) when its use is necessary for the application of an Act in Québec or in the Republic of Poland.

6. Personal information released to a competent authority, liaison agency or competent institution of a Party, within the framework of the application of this Agreement, may only be released to another institution of this Party for the application of this Agreement.

7. 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 institution of a Party, or;

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

(c) its release is necessary for the application of an Act in Québec or in the Republic of Poland.

8. The competent authorities, liaison agencies, competent institutions and other institutions of each Party shall ensure, during the transmission of the information referred to in paragraph 3, the use of means preserving the confidentiality of such information.

9. The competent authority, liaison agency, competent institution or any other institution of a Party, to which information referred to in paragraph 3 is released, shall protect it against unauthorized access, alteration and release.

10. The competent authority, liaison agency, the competent institution or any other institution of a Party, to which personal information referred to in paragraph 3 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 the legal provisions which apply to it. It shall also destroy, upon request, the information whose transmission is not authorized by the legal provisions of the transmitting Party.

11. Subject to a Party's legal provisions, the information received by a Party, because of the application of this Agreement, shall be destroyed when the purposes for which it was collected or used are completed. The competent authorities, liaison agencies, competent institutions and all other institution of each of the Parties shall use safe and final means of destruction and shall ensure the protection of the information awaiting destruction.

12. Upon request to a competent authority, liaison agency or competent institution of a Party, the person concerned has the right to be informed of the release of personal information referred to in paragraph 3 and of its use for purposes other than the application of this 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 legal provisions of the Party on whose territory the information is held.

13. The competent authorities of the Parties or the institutions authorized by them shall inform each other of any changes to the legal provisions concerning the protection of personal information, insofar as these changes affect the application of this Agreement.

ARTICLE 23

EXEMPTION OR FEE REDUCTION

1. Any exemption or reduction of fees provided for in the legislation of a Party for the issuance of a certificate or a document required for the application of that legislation shall be extended to certificates or documents required for the application of the legislation of the other Party.

2. Any document required for the application of this Agreement shall be exempt from any authentication by diplomatic or consular authorities.

ARTICLE 24

LANGUAGE OF COMMUNICATION

1. For purposes of the application of this Agreement, the competent authorities, liaison agencies and competent institutions of the Parties may communicate directly with each other in their official language.

2. Any request to a competent authority, liaison agency or competent institution of a Party for the purposes of the application of this Agreement shall be received even if the claim is written in the official language of the other Party.

ARTICLE 25

SUBMITTING CLAIMS, DECLARATIONS AND RECOURSES

1. A claim, declaration or recourse relating to entitlement to a benefit or its amount under the legislation of a Party, which must be submitted within a specified time frame to the competent authority, liaison agency or competent institution of that Party shall be admissible in the same matter as if it had been presented to the competent authority, liaison agency or competent institution of the first Party, provided it is presented within the same time

frame to the competent authority, liaison agency or the corresponding competent institution of the other Party. The date on which that claim, that declaration or that recourse is submitted to the competent authority, liaison agency or competent institution of the other Party shall be considered the date of submission to the competent authority, liaison agency or competent institution of the first Party.

2. Any claim for a benefit under the legislation of a Party made after the date of entry into force of this Agreement shall be considered as a claim for a corresponding benefit under the legislation of the other Party, provided that at the time of making the claim, the claimant:

(a) requests that it be considered as a claim for benefits under the legislation of the other Party, or;

(b) provides information indicating that insurance periods have been completed under the legislation of the other Party.

3. Paragraph 2 shall not apply if the claimant requested postponement of entitlement to the benefit under the legislation of the other Party.

4. In any case where paragraphs 1 or 2 applies, the competent authority, liaison agency or competent institution which received the claim, declaration or recourse shall forward it as soon as possible to the competent authority, liaison agency or competent institution of the other Party.

ARTICLE 26 PAYMENT OF BENEFITS

1. Any benefit payable by the competent institutions of the Republic of Poland to beneficiaries residing in Québec in accordance with the provisions of this Agreement shall be paid in Canadian dollars or in another convertible currency that is legal tender, subject to the provisions of paragraph 3 of Article 5 of this Agreement.

2. Any benefit payable by the competent institution of Québec to beneficiaries in accordance with the provisions of this Agreement shall be paid in Canadian dollars or in another convertible currency that is legal tender.

3. Any benefit payable to beneficiaries by the competent authorities in accordance with the provisions of this Agreement shall be paid directly without deduction for administrative expenses.

ARTICLE 27 DISPUTE RESOLUTION

The competent authorities shall resolve any dispute concerning the interpretation or application of this Agreement.

PART V TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 28 TRANSITIONAL PROVISIONS

1. Any insurance period completed before the date of entry into force of this Agreement shall be taken into account for entitlement and amount of benefits in accordance with the provisions of this Agreement.

2. None of the provisions in this Agreement shall create entitlement to a benefit for a period prior to the date of entry into force of this Agreement.

3. Subject to paragraph 2, any benefit other than a lump sum due relating to events prior to the date of entry into force of this Agreement shall be paid out pursuant to this Agreement.

4. A benefit granted before the entry into force of this Agreement may be revised at the request of the person concerned and established anew in accordance with the provisions of this Agreement, provided that the amount of the revised benefit is not lower than that granted before the entry into force of this Agreement.

5. For Québec, for the purposes of Articles 15 to 17 of this Agreement, any period of risky activity accomplished under the legislation of a Party before the entry into force of this Agreement shall be taken into account in determining eligibility to benefits.

6. For the purposes of Article 7 of this Agreement, a person shall be presumed to have been detached only as of the entry into force of this Agreement.

ARTICLE 29 DURATION AND TERMINATION

1. This Agreement is concluded for an indefinite period. It may be terminated at any time by either Party by written notice to the other Party. The termination shall take effect after a period of 12 months following the date of notification.

2. In case of termination of this Agreement, all rights acquired under the provisions of this Agreement shall be maintained. The competent authorities shall make arrangements relating to the rights in the course of being acquired pursuant to these provisions.

ARTICLE 30
ENTRY INTO FORCE

This Agreement shall enter into force on the first day of the third month following the date of receipt of the last notification by which the Parties inform each other that the formalities legally required for the entry into force of this Agreement have been accomplished.

IN WITNESS THEREOF, the undersigned, duly authorized thereto by their respective governments, have signed this Agreement.

DONE at Québec on 3 June 2015, in two copies, each in the French and Polish languages, both texts being authentic.

FOR THE GOUVERNEMENT
DU QUÉBEC
CHRISTINE ST-PIERRE

FOR THE GOVERNMENT
OF THE REPUBLIC
OF POLAND
MAREK BUCIOR

SCHEDULE 2
(s. 2)

ADMINISTRATIVE ARRANGEMENT FOR THE
APPLICATION OF THE AGREEMENT ON SOCIAL
SECURITY BETWEEN THE GOUVERNEMENT
DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC
OF POLAND

PURSUANT TO paragraph 1 of Article 19 of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Poland, signed at Québec, on 3 June 2015,

THE COMPETENT AUTHORITY OF QUÉBEC

AND

THE COMPETENT AUTHORITY OF THE
REPUBLIC OF POLAND

have set out the terms and conditions for implementing the Agreement and have agreed as follows:

PART I
GENERAL PROVISIONS

ARTICLE 1
DEFINITIONS

1. For the purposes of this Administrative Arrangement, the term “Agreement” means the Agreement on social security between the Gouvernement du Québec and Government of the Republic of Poland, signed at Québec, on 3 June 2015.

2. All other terms and expressions shall have the meaning given to them in the Agreement.

ARTICLE 2
LIAISON AGENCIES AND COMPETENT
INSTITUTIONS

1. As regards the Republic of Poland, the liaison agencies responsible for the implementation of the Agreement shall be:

(a) *Zakład Ubezpieczeń Społecznych, Centrala w Warszawie* (Social Insurance Institution, based in Warsaw), for the purposes of the legislation on social insurance, with the exception of social insurance for farmers;

(b) *Kasa Rolniczego Ubezpieczenia Społecznego, Centrala w Warszawie* (Agricultural Social Insurance Fund, based in Warsaw), for the purposes of the legislation on social insurance for farmers;

(c) *Zakład Ubezpieczeń Społecznych, Centrala w Warszawie* (Social Insurance Institution, based in Warsaw), for the purposes of Article 9 and paragraph 13 of Article 22 of the Agreement.

2. As regards the Republic of Poland, the competent institutions for the implementation of the Agreement shall be:

(a) *Zakład Ubezpieczeń Społecznych* (Social Insurance Institution), for the purposes of the legislation on social insurance, with the exception of social insurance for farmers;

(b) *Kasa Rolniczego Ubezpieczenia Społecznego* (Agricultural Social Insurance Fund), for the administration of the legislation concerning social insurance for farmers.

3. As regards Québec, the liaison agency responsible for the implementation of the Agreement shall be the Bureau des ententes de sécurité sociale of the Régie des rentes

du Québec (*Biuro do SPRAW porozumień w zakresie zabezpieczenia Społecznego Zakładu Emerytalno-Rentowego Québecu*).

4. As regards Québec, the competent institutions for the implementation of the Agreement shall be:

(a) the Régie des rentes du Québec (*Zakład Emerytalno-Rentowy Québecu*) for the implementation of the legislation concerning the Pension Plan;

(b) the Commission de la santé et de la sécurité du travail (*Komisja Zdrowia i Bezpieczeństwa Pracy*), for the implementation of the legislation on industrial accidents and occupational diseases.

ARTICLE 3 PROVISIONS RELATING TO THE LIAISON AGENCIES OR COMPETENT INSTITUTIONS

1. The competent authority of each Party may designate liaison agencies other than those referred to in Article 2. Where appropriate, the competent authority shall immediately inform the competent authority of the other Party.

2. The liaison agencies or competent institutions, referred to in Article 2, shall agree on procedures and forms necessary for the implementation of the Agreement and this Administrative Arrangement.

3. To facilitate the application of the Agreement and this Administrative Arrangement, the liaison agencies may agree to means of exchanging data electronically.

PART II PROVISIONS ON APPLICABLE LAW

ARTICLE 4 CERTIFICATE OF COVERAGE TO THE LEGISLATION

1. For the purposes of paragraph *b* of Article 6 and Articles 7 to 9 of the Agreement, the liaison agency or competent institution of the Party whose legislation is applicable shall issue, upon request from the employer or self-employed worker, a certificate of coverage to the legislation for a specific period confirming, in relation to a given work, that the worker and the employer or self-employed worker remain subject to that legislation. The worker, his employer, the self-employed worker and the liaison agency or competent institution of the other Party shall be authorized to receive a copy of this certificate.

2. The employer shall file a request for consent to the extension of the maximum period of detachment specified in Article 7 of the Agreement to the liaison agency of the Party whose legislation the employee is subjected to, before the end of the ongoing detachment period.

PART III PROVISIONS ON BENEFITS

ARTICLE 5 EXAMINATION OF THE CLAIM

1. When the liaison agency or competent institution of a Party receives a claim for a benefit pursuant to the legislation of the other Party, the liaison agency or competent institution of the first Party shall forward this claim without delay to the competent institution of the second Party, indicating the date of its filing.

2. The liaison agency or the competent institution of the first Party shall forward the claim with the available documents, necessary for the competent institution of the second Party to establish the claimant's right to a benefit.

3. The personal information contained on a claim form can be certified by the liaison agency or competent institution forwarding the claim, which exempts it from forwarding the supporting documents. The nature of the information referred to in this paragraph shall be agreed upon by the liaison agencies or competent institutions of the Parties.

4. In addition to the claim and documents referred to in paragraphs 1 and 2, the liaison agency or the competent institution of the first Party shall forward to the competent institution of the second Party the liaison form which includes, in particular, the periods of insurance completed under the legislation of the first Party.

5. The competent institution of the second Party shall establish the claimant's entitlement to the benefit and shall inform the competent institution of the first Party of its decision.

6. Copies of documents certified as true copies of the originals by the liaison agency or the competent institution of a Party shall be accepted as true copies of the originals by the liaison agency or the competent institution of the other Party.

ARTICLE 6
SAME TYPE OF WORK

For the purposes of paragraph 2 of Article 16 of the Agreement, upon request from the competent institution of a Party, the competent institution of the other Party shall confirm the period of exercise of the same type of work as that which contributed to the occupational disease.

ARTICLE 7
AGGRAVATION OF AN OCCUPATIONAL DISEASE

1. To establish the right to a benefit in case of aggravation of an occupational disease, the person referred to in paragraph 2 of Article 17 of the Agreement shall submit a claim to the competent institution of the Party whose legislation he or she was subjected to during the exercise of work likely to aggravate that disease.

2. The competent institution receiving the claim referred to in paragraph 1 shall be able to obtain from the competent institution of the other Party the necessary information related to the benefit paid by it.

PART IV
ADMINISTRATIVE AND MISCELLANEOUS
PROVISIONS

ARTICLE 8
MEDICAL ASSESSMENTS

1. For the purposes of paragraph 2 of Article 21 of the Agreement, the competent institution which has taken the necessary steps to ensure that medical assessments are carried out shall establish, at the end of each calendar year, a request for refund of the cost of medical assessments made during that calendar year, indicating the amount due, and shall forward it to the liaison agency or competent institution of the other Party.

2. The amount due must be reimbursed within six months from the date of receipt of the request referred to in paragraph 1.

ARTICLE 9
EXCHANGE OF STATISTICAL DATA

The liaison agencies or competent institutions of the Parties shall exchange annually statistical data on payments made in the territory of the other Party. These statistics shall include the number of beneficiaries and the total amount of benefits paid, broken down by type.

ARTICLE 10
ENTRY INTO FORCE AND DURATION

This Administrative Arrangement shall enter into force on the date of entry into force of the Agreement and its duration shall be the same as that of the Agreement.

DONE at Québec, on 3 June 2015, in two copies, each in the French and Polish languages, both texts being authentic.

FOR THE COMPETENT
AUTHORITY OF QUÉBEC
CHRISTINE ST-PIERRE

FOR THE MINISTER OF
LABOUR AND SOCIAL
POLICY THE REPUBLIC
OF POLAND
MAREK BUCIOR

103431

Gouvernement du Québec

O.C. 501-2018, 11 April 2018

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

**Agreement on Social Security between the
Gouvernement du Québec and the Government
of the Republic of Poland**
— **Approval of the Regulation respecting the
implementation of the provisions relating to
industrial accidents and occupational diseases**

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 the Republic of Poland

WHEREAS the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Poland and the consequential administrative arrangement were signed in Québec on 3 June 2015;

WHEREAS the National Assembly approved the Agreement on 10 February 2016;

WHEREAS the Commission des normes, de l'équité, de la santé et de la sécurité du travail must, by regulation, to give effect to the provisions in the Agreement relating to industrial accidents and occupational diseases, take the measures necessary 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);