

“DIVISION I PURPOSE

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by physicians, those that, pursuant to the terms and conditions set out in the Regulation, may be engaged in by the members of the Ordre professionnel de la physiothérapie du Québec, subject to their permit category, and by other persons.

DIVISION II TREATMENT

1.1. The activities referred to in this Division are engaged in according to a prescription.”

2. The following is inserted after section 4.1:

“DIVISION III PRESCRIPTION FOR X-RAYS

4.2. A physiotherapist may prescribe x-rays in accordance with the ACR Appropriateness Criteria® standards of the American College of Radiology when providing care to a person having a physical function limitation or disability related to the musculoskeletal system further to acute trauma.

On receipt of the radiologist’s report, the physiotherapist must provide the follow-up required by the patient’s condition. The physiotherapist must, where applicable, refer the patient to a physician with whom the physiotherapist has established a service corridor.

The reference to the standards prescribed in the first paragraph includes any subsequent amendment made to it.

4.3. In order to engage in the activity referred to in section 4.2, a physiotherapist must

(1) hold a training certificate issued by the Ordre professionnel de la physiothérapie du Québec according to which the physiotherapist has successfully completed 15 hours of training covering

(a) the professional practice specific to the prescription for x-rays;

(b) the guidelines on the instructions on the use of x-rays;

(c) contraindications and safety related to x-rays;

(d) patient record documentation;

(2) have established service corridors to ensure the medical follow-up required by the patient’s condition.

4.4. A physiotherapist who holds a training certificate issued under section 4.3 must devote at least 3 hours, per reference period of 3 years, to continuing education activities related to the prescription for x-rays.

4.5. A physiotherapist engages in the activity referred to in section 4.2 in accordance with the provisions applicable to individual prescriptions provided for in the Règlement sur les normes relatives aux ordonnances faites par un médecin (chapter M-9, r. 25.1).

DIVISION IV OTHER AUTHORIZED PERSONS”

3. Sections 5 and 6 are amended by replacing “and 4” by “, 4 and 4.1”.

4. Despite section 4.4, introduced by section 2 of this Regulation, the first reference period ends on 31 March 2022.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104400

Gouvernement du Québec

O.C. 477-2020, 22 April 2020

Tax Administration Act
(chapter A-6.002)

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

Agreement on social security between Québec and the Republic of Bulgaria and the making of the regulation respecting the implementation of the Agreement — Ratification

Ratification of the Agreement on social security between Québec and the Republic of Bulgaria and the making of the regulation respecting the implementation of the Agreement

WHEREAS Order in Council 278-2016 dated 6 April 2016 authorized the Minister of International Relations and La Francophonie to sign alone the Agreement on social security between Québec and the Republic of Bulgaria and the Administrative Arrangement related to the Agreement;

WHEREAS the Agreement on social security between Québec and the Republic of Bulgaria and the Administrative Arrangement related to the Agreement were signed in Québec on 19 September 2019;

WHEREAS the Agreement guarantees in particular to the persons concerned the advantages of the coordination in matters of pensions, survivor, disability and death;

WHEREAS the conditions of application of the Agreement are specified in an administrative arrangement attached 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 the 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 the Act must apply to any case affected by an agreement entered into with another country;

WHEREAS the Agreement constitutes an international agreement within the meaning of the third paragraph of section 19 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

WHEREAS the Agreement also constitutes an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of that Act;

WHEREAS, under the third paragraph of section 20 of that Act, international agreements referred to in section 22.2 of the Act must, to be valid, be signed by the Minister of International Relations and La Francophonie, 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 must not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS the National Assembly approved the Agreement on 6 November 2019;

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, draft regulations of the Government 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 Québec and the Republic of Bulgaria, signed in Québec on 19 September 2019, approved by the National Assembly on 6 November 2017 and appearing as a schedule to the regulation to implement the Agreement mentioned below be ratified;

THAT the Regulation respecting the implementation of the Agreement on social security between Québec and the Republic of Bulgaria, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement on social security between Québec and the Republic of Bulgaria

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 made under the Act apply to every person covered by the Agreement on social security between Québec and the Republic of Bulgaria, signed in Québec on 19 September 2019, and appearing as Schedule 1.

2. The Act and the regulations apply in the manner provided for in the Agreement and the Administrative Arrangement for the implementation of the Agreement, which appears in Schedule 2.

3. This Regulation comes into force on 1 September 2020.

SCHEDULE 1

(s. 1)

**AGREEMENT ON SOCIAL SECURITY BETWEEN
QUÉBEC AND THE REPUBLIC OF BULGARIA**

QUÉBEC

AND

THE REPUBLIC OF BULGARIA

HAVING RESOLVED to coordinate their social security
legislations;

HAVE AGREED AS FOLLOWS:

TITLE I**GENERAL PROVISIONS****ARTICLE 1****DEFINITIONS**

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

(a) “competent authority”: the Minister of Québec responsible for administering the legislation referred to in Article 2 and the Minister of Labour and Social Policy of the Republic of Bulgaria;

(b) “competent institution”: the department or body of Québec and the institutions of the Republic of Bulgaria, responsible for administering the legislation referred to in Article 2;

(c) “legislation”: the laws and regulations referred to in Article 2;

(d) “liaison agency”: institution responsible for the coordination and exchange of information between the institutions of each of the Parties for the purposes of the Agreement;

(e) “period of insurance”:

for 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

for the Republic of Bulgaria, any period of insurance or other period considered as equivalent under the legislation of the Republic of Bulgaria;

(f) “benefit”: any cash benefit under the legislation referred to in Article 2, including any additional amount, increase or supplement applicable to that benefit under the legislation of each Contracting Party, unless otherwise provided in the Agreement;

(g) “residence”:

for Québec, the meaning assigned to it by the applicable laws and regulations; and

for the Republic of Bulgaria, a person’s habitual place of residence;

(h) “stay”: temporary residence;

(i) “national”:

for Québec, a Canadian citizen who is or has been subject to the legislation referred to in subparagraph (a) of paragraph 1 of Article 2 or has acquired rights under that legislation; and

for the Republic of Bulgaria, a Bulgarian citizen according to the Constitution of the Republic of Bulgaria.

Any term not defined in this Agreement shall have the meaning given to it in the applicable laws and regulations of each Contracting Party.

ARTICLE 2**MATERIAL SCOPE**

(1) The Agreement shall apply:

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

(b) as regards the Republic of Bulgaria, to the legislation concerning pensions from the State Social Insurance for periods of insurance and age, invalidity due to general disease and survivor’s pensions derived from the above mentioned pensions,

as well as relevant contributions.

(2) The Agreement shall also apply to any legislation, completing or replacing the legislation referred to in paragraph 1.

(3) The Agreement shall also apply to any legislation of one Contracting Party that extends the existing plans to new categories of beneficiaries or to new benefits; however, the Contracting Party shall have three months following the official publication of that legislation to notify the other Contracting Party that the Agreement shall not apply.

(4) The Agreement shall not apply to legislation that covers a new branch of social security unless the Agreement is amended to that effect.

ARTICLE 3 PERSONAL SCOPE

Unless otherwise provided, the Agreement shall apply to any person who is or has been subject to the legislation of one of the Contracting Party or who has acquired rights under that legislation.

ARTICLE 4 EQUALITY OF TREATMENT

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

ARTICLE 5 EXPORT OF BENEFITS

(1) Unless otherwise provided in the Agreement, benefits acquired under the legislation of one Contracting Party, with or without the application of the Agreement, cannot be reduced, modified, suspended, cancelled or confiscated simply because the beneficiary resides or stays in the territory of the other Contracting Party. The benefits shall remain payable to the beneficiary in the territory of the Contracting Party in which the beneficiary resides.

(2) A person who is entitled to a benefit shall continue to be entitled to that benefit when that person resides or stays in the territory of a third state on the conditions set out in the legislation of the competent Contracting Party.

TITLE II APPLICABLE LEGISLATION

ARTICLE 6 GENERAL RULE

Unless otherwise provided in the Agreement, a person who works in the territory of one Contracting Party shall be subject, with respect to such work, only to the legislation of that Contracting Party.

ARTICLE 7 SELF-EMPLOYED PERSONS

A person residing in the territory of one Contracting Party and who works for his or her own account in the territory of the other Contracting Party or in the territory of both Contracting Parties shall be subject, with respect to such work, only to the legislation of the Contracting Party of the place of residence.

ARTICLE 8 DETACHED PERSON

(1) A person subject to the legislation of one Contracting Party and temporarily detached by their employer for a period not exceeding 60 months in the territory of the other Contracting Party shall, with respect to that employment, be subject only to the legislation of the first Contracting Party for the duration of the detachment.

(2) Notwithstanding the preceding paragraph, if the period of work to be performed extends beyond the proposed initial period and exceeds 60 months, the legislation of the first Contracting Party shall remain applicable provided that the competent institutions of both Contracting Parties consent to it.

ARTICLE 9 TRAVELLING PERSONNEL EMPLOYED BY AN INTERNATIONAL CARRIER

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

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

(3) Notwithstanding paragraphs 1 and 2, if those persons are employed mostly in the territory of the Contracting Party in which the persons reside, they shall, with respect to such work, be subject only to the legislation of that Contracting Party.

ARTICLE 10 GOVERNMENT EMPLOYMENT AND CIVIL SERVICE

(1) Persons employed in the government or civil service of one Contracting Party shall, with respect to that employment, be subject only to the legislation of that Contracting Party.

(2) Notwithstanding the preceding paragraph, persons residing in the territory of one Contracting Party and who are recruited on site for employment in the government or civil service of the other Contracting Party shall, with respect to that employment, be subject only to the legislation of the first Contracting Party.

(3) Notwithstanding any provision of the Agreement, the provisions respecting social security of the Vienna Convention on Diplomatic Relations of 18 April 1961 and the Vienna Convention on Consular Relations of 24 April 1963 shall continue to apply.

ARTICLE 11 DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent institutions of both Contracting Parties may, by common agreement, derogate from the provisions of Articles 6, 7, 8, 9 and 10 with respect to any persons or categories of persons.

TITLE III BENEFITS

ARTICLE 12 TOTALIZATION OF PERIODS OF INSURANCE

When persons have completed periods of insurance under the legislation of both Contracting Parties and are not eligible for benefits by virtue of the periods of insurance completed solely under the legislation of one Contracting Party, the competent institution of that Contracting Party shall totalize, to the extent necessary for the entitlement to benefits under the legislation that it administers, the periods of insurance completed under its legislation and the periods of insurance completed under the legislation of the other Contracting Party, provided that the overlapping periods are counted only once.

ARTICLE 13 BENEFITS UNDER THE LEGISLATION OF QUÉBEC

(1) If persons who have been subject to the legislation of both Contracting Parties meet the requirements for entitlement to benefits, for themselves or for their dependants, survivors or other rightful claimants under the legislation of Québec without having recourse to the totalization referred to in Article 12, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the legislation that it administers.

(2) If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without totalization, the competent institution of Québec shall:

(a) recognize one year of contribution when the competent institution of the Republic of Bulgaria certifies that a period of insurance of at least three months has been credited in a calendar year under the legislation of the Republic of Bulgaria, provided that the year is included in the base contributory period as defined in the legislation of Québec;

(b) totalize the years recognized under subparagraph (a) with periods of insurance completed under the legislation of Québec, in accordance with Article 12.

(3) If the totalization provided for in paragraph 2 entitles persons to benefits, the competent institution of Québec shall determine the amount payable by adding the amounts calculated in accordance with the following subparagraphs (a) and (b):

(a) the amount of the part of the benefit which is related to earnings is calculated according to the provisions of the legislation of Québec;

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

the amount of the flat-rate benefit determined under the provisions of the Québec Pension Plan

by

the fraction that represents the ratio between the periods of base contributions to the Québec Pension Plan and the base contributory period as defined in the legislation relating to that Plan.

ARTICLE 14 BENEFITS UNDER THE LEGISLATION OF THE REPUBLIC OF BULGARIA

(1) If persons who have been subject to the legislation of both Contracting Parties meet the requirements for entitlement to benefits, for themselves, their survivors or other rightful claimants under the legislation of the Republic of Bulgaria without having recourse to the totalization referred to in Article 12, the competent institution of the Republic of Bulgaria shall determine the amount of the benefits in accordance with the provisions of the legislation that it administers.

(2) If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without having recourse to the totalization, the competent institution of the Republic of Bulgaria shall:

(a) recognize the periods of insurance confirmed by the competent institution of Québec;

(b) if entitlement to benefits is not acquired notwithstanding the application of subparagraph (a), recognize the periods of residence, within the meaning of the *Old Age Security Act* of Canada that applies in the territory of Québec as periods of insurance under the legislation of the Republic of Bulgaria, provided that the periods do not overlap a period of insurance completed under the legislation of Québec;

(c) totalize the periods of insurance completed under its legislation and the periods of insurance recognized under subparagraphs (a) and (b), in accordance with Article 12.

(3) To determine eligibility for a disability pension or survivor pension derived from the right to a disability pension under the legislation of the Republic of Bulgaria, a calendar year which is a creditable period under the legislation of Québec shall be considered as a year which is creditable under the legislation of the Republic of Bulgaria.

(4) Where the legislation of the Republic of Bulgaria provides that a period of insurance is considered to meet the requirements of eligibility for a pension only if that period is completed in a specific activity or occupation, the competent institution shall take into account the periods of insurance completed under the legislation of Québec where those periods have been completed in an equivalent specific activity or occupation.

(5) If persons meet the requirements of eligibility for a benefits only following the application of provisions respecting totalization, the competent institution of the Republic of Bulgaria shall calculate the amount of the benefits payable in accordance with the legislation of the Republic of Bulgaria only based on the creditable periods in the Republic of Bulgaria and according to the income on which the insurance contributions have been paid during those periods.

(6) For the purpose of calculating the amount of a disability pension, the period of insurance recognized for the period between the occurrence of the disability and the date of reaching the age of eligibility to a pension for periods of insurance and age under the legislation of the

Republic of Bulgaria shall be reduced by the duration of the period of insurance confirmed by the competent institution of Québec after the date on which the disability occurred.

ARTICLE 15 PERIODS COMPLETED UNDER THE LEGISLATION OF A THIRD PARTY

If a person is still not entitled to a benefit after the totalization under Article 12, 13 or 14, the periods of insurance completed under the legislation of a third party bound to each Contracting Party by a legal social security instrument containing provisions related to the totalization of periods of insurance shall be taken into account to establish entitlement to benefits, in accordance with the terms and conditions set out in the Title.

TITLE IV MISCELLANEOUS PROVISIONS

ARTICLE 16 ADMINISTRATIVE ARRANGEMENT

(1) An Administrative Arrangement, that must be agreed to by the competent authorities of the Contracting Parties, shall set out the terms and conditions of the application of the Agreement.

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

ARTICLE 17 CLAIM FOR BENEFITS

(1) To receive benefits under the Agreement, a person shall file a claim in accordance with the terms and conditions set out in the Administrative Arrangement.

(2) A claim for benefits filed after the entry into force of the Agreement under the legislation of one Contracting Party shall be deemed to be a claim for corresponding benefits under the legislation of the other Contracting Party

(a) where a person asks that the claim be considered as a claim under the legislation of the other Contracting Party; or

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

The date of filing of the claim in the other Contracting Party shall be deemed to be the date on which the claim was received by the first Contracting Party.

(3) The provisions of the preceding paragraph shall not prevent a person from requesting that a claim for a benefit under the legislation of the other Contracting Party be deferred.

ARTICLE 18 DETERMINATION AND PAYMENT OF BENEFITS

(1) Any benefit shall be determined in the currency of the Contracting Party making the payment.

(2) The benefit determined or payable under the Agreement shall be payable directly to the beneficiary in currency in the place of residence of the beneficiary, without any deduction for administrative charges for the payment of the benefit.

(3) For the purposes of paragraphs 1 and 2, where an exchange rate is required, that rate shall be the rate in effect on the day the payment is made.

ARTICLE 19 FILING DEADLINE

(1) A claim for recourse or appeal that, under the legislation of one Contracting Party, must be filed within a determined period with the competent institution of that Contracting Party shall be receivable if it is filed within the same period with the corresponding competent institution of the other Contracting Party. In that case, the competent institution that has received the claim for recourse or appeal shall immediately send it to the competent institution of the other Contracting Party.

(2) The date on which the claim for recourse or appeal is filed with the competent institution of one Contracting Party shall be deemed to be the date of filing with the competent institution of the other Contracting Party.

ARTICLE 20 EXPERT APPRAISALS

(1) At the request of the competent institution of one Contracting Party, the competent institution of the other Contracting Party shall make the necessary arrangements to provide the expert appraisals required for persons residing or staying in the territory of the latter Contracting Party.

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

ARTICLE 21 FEES AND EXEMPTION FROM AUTHENTICATION

(1) Any exemption from or reduction of fees provided for in the legislation of one Contracting Party with respect to the issuing of a certificate or document required for the application of that legislation shall be extended to the certificates and documents required for the application of the legislation of the other Contracting Party.

(2) Any document required for the application of the Agreement and certified true by the competent institution shall be exempt from authentication by the responsible authorities or from any other similar formality.

ARTICLE 22 PROTECTION OF PERSONAL INFORMATION

(1) Any information which allows a natural person to be identified shall be considered personal information. Personal information shall be confidential.

(2) The institutions of both Contracting Parties may release to one another any personal information necessary for the application of the Agreement.

(3) Personal information released to an institution of one Contracting Party, in the application of the Agreement, may only be used for the purposes of the Agreement.

One Contracting Party may however use such information for other purposes with the consent of the person concerned or, without the person's consent, 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;

(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 administration of an Act in Québec or in the Republic of Bulgaria.

(4) Personal information released to an institution of a Contracting Party, as part of the application of the Agreement, may only be released to another institution of that Contracting Party for the application of the Agreement.

One Contracting Party may however release such information with the consent of the person concerned or, without the person's consent, only in the following cases:

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

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

(c) the release of the information is necessary for the administration of an Act in Québec or in the Republic of Bulgaria.

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

(6) The institution of one Contracting Party, to which information referred to in paragraph 2 is released, shall protect it against unauthorized access, alteration and release.

(7) The institution of one Contracting Party, to which personal information referred to in paragraph 2 is released, shall take the necessary measures to ensure that this information is up to date, accurate and complete so as to serve the purposes for which it was collected. As need be, it shall correct the information held and shall destroy any information whose collection or storage is not authorized by the laws and regulations which apply to it. It shall also destroy, on request, the information whose transmission is prohibited under the laws and regulations of the Contracting Party that released it.

(8) Subject to a Contracting Party's laws and regulations, the information received by a Contracting Party, because of the application of this Agreement, shall be destroyed when the purposes for which it was collected or used are completed. The institutions of both Contracting Parties shall use safe and final means of destruction and shall preserve the confidential nature of the personal information awaiting destruction.

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

(10) The competent authorities of the Contracting Parties shall inform each other of any amendment to the laws and regulations concerning the protection of personal information, in particular as regards other reasons for which it may be used or released to other entities without the consent of the person concerned.

(11) The provisions of paragraphs 2 and following shall apply, with the necessary modifications, to other confidential information obtained under the Agreement or by reason of the Agreement.

ARTICLE 23 ADMINISTRATIVE ASSISTANCE

The competent authorities, the competent institutions and liaison agencies shall:

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

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

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

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

ARTICLE 24 REIMBURSEMENT BETWEEN INSTITUTIONS

The competent institution of one Contracting Party shall reimburse to the competent institution of the other Contracting Party fees pertaining to each expert appraisal produced pursuant to Article 20. The forwarding of expert appraisals or other information already in the possession of the competent institutions shall be an integral part of the administrative assistance and shall be free of charge.

ARTICLE 25 COMMUNICATIONS

(1) The competent authorities and institutions, and liaison agencies of both Contracting Parties may communicate with one another in their official language.

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

ARTICLE 26
SETTLEMENT OF DISPUTES

Issues relative to the application or interpretation of the Agreement shall be settled by direct contact between the administrations of the competent authorities.

TITLE V
TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 27
TRANSITIONAL PROVISIONS

(1) The Agreement shall not confer any right to the payment of benefits for a period before the date of its entry into force.

(2) For the purposes of Title III and subject to the provisions of paragraph (1),

(a) a period of insurance completed prior to the entry into force of the Agreement shall be taken into consideration for the purpose of determining entitlement to benefits under the Agreement;

(b) a benefit, other than a death benefit, is due under the Agreement even if it is related to an event prior to the date of entry into force of the Agreement;

(c) where benefits are payable pursuant to Article 12 and a claim for such benefits is filed within two years from the date of entry into force of the Agreement, rights arising from the Agreement shall be acquired as of that date or the date of entitlement to a retirement, survivor or disability benefit, if such date is later, notwithstanding the provisions of the legislation of either Contracting Party relative to the forfeiture of rights;

(d) a benefit which, on account of nationality or residence, has been refused, reduced or suspended shall, at the request of the person concerned, be granted or re-established as of the entry into force of the Agreement;

(e) a benefit granted before the entry into force of the Agreement shall be revised at the request of the person concerned. It may also be revised ex officio. If the revision leads to a benefit lower than the benefit paid before the entry into force of the Agreement, the amount of benefits previously paid shall be maintained;

(f) if the request referred to in subparagraphs (d) and (e) is filed within two years of the entry into force of the Agreement, rights arising from the Agreement shall be acquired as of that date, notwithstanding the provisions of the legislation of either Contracting Party relative to the forfeiture of rights;

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

(3) For the purposes of Article 8, a person shall be deemed to have become detached as of the date of entry into force of the Agreement.

ARTICLE 28
ENTRY INTO FORCE AND TERM OF
THE AGREEMENT

(1) The Agreement shall enter into force on the first day of the fourth month following the month in which the Contracting Parties exchange official notes confirming that they complied with all the internal procedures required for the entry into force of the Agreement. The Agreement is entered into for an indefinite term.

(2) The Agreement may be terminated by either Contracting Party by notification to the other Contracting Party. The Agreement expires on the 31st day of December that follows the date of notification by at least 12 months.

(3) If the Agreement is terminated, all rights acquired by a person under its provisions shall be maintained. The Agreement shall continue to produce its effects with respect to all the persons who, before the termination, had filed an application and would have acquired rights under the Agreement if it had not been terminated.

In witness whereof, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done in Québec on 19 September 2019, in two copies, in French and in Bulgarian, both texts being equally authentic.

FOR QUÉBEC
NADINE GIRAULT
*Minister of International
Relations and
La Francophonie*

FOR THE REPUBLIC
OF BULGARIA
SVETLANA STOYCHEVA-ETROPOLSKI
*Ambassador of the Republic
of Bulgaria to Canada*

SCHEDULE 2

(s. 2)

ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN QUÉBEC AND THE REPUBLIC OF BULGARIA

THE COMPETENT AUTHORITY OF QUÉBEC

AND

THE COMPETENT AUTHORITY OF THE REPUBLIC OF BULGARIA,

CONSIDERING Article 16 of the Agreement on social security between Québec and the Republic of Bulgaria

HAVE AGREED AS FOLLOWS:

ARTICLE 1
DEFINITIONS

In this Administrative Arrangement,

(a) the term “Agreement” shall mean the Agreement on social security between Québec and the Republic of Bulgaria;

(b) the terms “a person’s habitual place of residence” shall mean, for the Republic of Bulgaria, the place in which the centre of interest of the person concerned is located, on the basis of an overall assessment of all the available information concerning the relevant facts, that may include, as the case may be,

i. the duration and continuity of the presence in the territory;

ii. the person’s situation, including

(1) the nature and specific characteristics of the activities carried on;

(2) family status and parental relationships;

(3) the carrying on of unpaid activities;

(4) the nature of the person’s accommodation, in particular its permanence;

(5) the territory of the Contracting Party in which the person is deemed to reside for tax purposes;

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

ARTICLE 2**LIAISON AGENCIES AND COMPETENT INSTITUTIONS**

In accordance with the provisions of paragraph 2 of Article 16 of the Agreement,

(a) as regards Québec, the designated liaison agency shall be the Bureau des ententes de sécurité sociale of Retraite Québec or any other body that the Gouvernement du Québec may subsequently designate;

(b) as regards the Republic of Bulgaria, the designated liaison agencies and competent institutions shall be:

i. the National Social Security Institute as regards the pensions from the State’s social insurance for periods of insurance and age, invalidity due to a general disease and survivor’s pensions derived from the above-mentioned pensions;

ii. the National Revenue Agency for the application of Articles 6 to 11 of the Agreement and Article 3 of this Administrative Arrangement.

ARTICLE 3**CERTIFICATE OF COVERAGE**

(1) For the purposes of Articles 7, 8 and 11 of the Agreement, where a person remains subject to the legislation of one Contracting Party while working in the territory of the other Contracting Party, a certificate of coverage is issued:

(a) by the Québec liaison agency, where the person remains subject to the legislation of Québec; and

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

(2) The liaison agency or the competent institution issuing the certificate of coverage shall send a copy of that certificate to the other liaison agency or competent institution referred to in paragraph 1, to the person concerned or, where applicable, to the person’s employer.

(3) For the purposes of paragraph 2 of Article 8 and Article 11 of the Agreement, the extension of the period of detachment beyond 60 months or the derogation to the provisions on coverage must result from a joint agreement between the Québec liaison agency and the competent institution of the Republic of Bulgaria.

ARTICLE 4 BENEFITS

(1) For the purposes of Title III of the Agreement, a claim for a benefit under the Agreement may be filed with the liaison agency or the competent institution of either Contracting Party, or with the competent institution of the Contracting Party whose legislation is applicable, along with the required supporting documents.

(2) Where the claim for a benefit referred to in paragraph 1 is filed with a liaison agency or a competent institution, that agency or institution shall send the claim to the competent institution of the Contracting Party whose legislation is applicable, along with copies that it has certified true to the original of the required supporting documents.

(3) A copy of the claim for a benefit and of the supporting documents shall be kept by the liaison agency or competent institution with which the claim was originally filed. A copy of those documents shall be made available to the competent institution of the other Contracting Party, on request.

(4) A liaison form, on which are indicated the periods of insurance completed, shall accompany the claim and supporting documents referred to in this Article.

(5) If so requested by the liaison agency or by the competent institution of one Contracting Party, the liaison agency or the competent institution of the other Contracting Party shall indicate, on the liaison form, the periods of insurance recognized under the legislation it administers.

(6) As soon as a decision regarding a claim has been made pursuant to the legislation it administers, the competent institution shall notify the claimant and inform the claimant about recourses and deadlines for such recourse prescribed by such legislation; the competent institution shall also inform the liaison agency or the competent institution of the other Contracting Party of the decision using the liaison form.

(7) Where the competent institution of one Contracting Party observes a change in the situation of a beneficiary, in particular as regards civil status and the death, and the change is likely to affect the beneficiary's right to a benefit under the legislation of the other Contracting Party, it shall inform the competent institution of that other Contracting Party using a form. The form, content and conditions of exchange of the form shall be negotiated between the competent institutions.

MISCELLANEOUS AND FINAL PROVISIONS

ARTICLE 5 REIMBURSEMENT BETWEEN INSTITUTIONS

(1) For the purposes of Article 24 of the Agreement, at the end of each calendar year, where the competent institution of one Contracting Party has had expert appraisals made on behalf and at the expense of the competent institution of the other Contracting Party, the competent institution of the first Contracting Party shall send to the liaison agency of the other Contracting Party a statement of the fees pertaining to the expert appraisals made during the year under consideration, indicating the amount owed.

(2) The amounts owed shall be paid in the semester following the date on which the claims for reimbursement, addressed in accordance with the provisions of paragraph 1, were received.

ARTICLE 6 FORMS

The model of the certificate of coverage and the forms necessary for the application of the Agreement and of this Administrative Arrangement shall be prescribed by common agreement by the liaison agencies or by the competent institutions of both Contracting Parties.

ARTICLE 7 STATISTICAL DATA

The liaison agencies of both Contracting Parties shall exchange, in the form agreed upon, statistical data concerning the payments made to the beneficiaries under Title III of the Agreement during each calendar year. Such data shall include the number of beneficiaries and the total amount of benefits by category.

ARTICLE 8 ENTRY INTO FORCE AND TERM

The Administrative Arrangement shall enter into force on the same date as the Agreement and its term is the same as the term of the Agreement.

Done in Québec on 19 September 2019, in two copies, in French and in Bulgarian, both texts being equally authentic.

FOR THE COMPETENT
AUTHORITY OF QUÉBEC
NADINE GIRAULT
*Minister of International
Relations and
La Francophonie*

FOR THE COMPETENT
AUTHORITY OF THE
REPUBLIC OF BULGARIA
SVETLANA STOYCHEVA-ETROPOLSKI
*Ambassador of the Republic
of Bulgaria to Canada*