

**“DIVISION II  
STANDARDS FOR HOLDING A PERMIT**

4. An optometrist who holds one of the permits referred to in section 1 must send to the Order, in the manner and form established by the Order, not later than the 30th day following the end of each full reference period where the optometrist is entered on the roll, a declaration indicating whether the optometrist carried out the activities authorized by each permit during that period.

An optometrist who has not carried out those activities must, during the subsequent reference period, successfully complete the refresher program approved by the board of directors and provided for in section 5.

In this Division, “reference period” means any 3-year period starting on the date determined by the board of directors.

5. The refresher program must include 30 hours of theoretical or clinical training related to the subject areas referred to in section 3.

6. An optometrist who is in the situation described in the second paragraph of section 4 and who is re-entered on the roll 12 months or less before the end of the reference period during which the optometrist must successfully complete the refresher program has an additional period of 12 months to do so.

7. The Order notifies a notice to the optometrist who fails to comply with this Division. The notice indicates

- (1) the nature of the optometrist’s failure;
- (2) the 6-month period that the optometrist has from the date of the notification of the notice to remedy the failure and provide proof thereof;
- (3) the sanction to which the optometrist is subject if the optometrist does not remedy the failure within the time prescribed.

8. Where the optometrist does not remedy the failure within the period prescribed by section 7, the board of directors, after giving the optometrist an opportunity to submit written observations, suspends the permit referred to in section 1 that is held by the optometrist.

The Order notifies a notice of suspension to the optometrist and informs the optometrist that the optometrist is subject to the revocation of the permit if the optometrist does not remedy the failure before the end of the reference period during which the permit is suspended. The suspension is in force from the time it is notified.

9. At the end of the reference period during which the permit referred to in section 1 is suspended, the board of directors revokes the permit of the optometrist who has not remedied the failure indicated in the notice provided for in section 7. The Order notifies a notice of revocation to the optometrist.

10. An optometrist whose permit has been revoked must again meet the conditions set out in Division I for the issue of the permit.”

2. Section 14 is amended by striking out the second paragraph.

3. Section 15 is amended by striking out the second and third paragraphs.

4. Section 16 is revoked.

5. This Regulation comes into force on 1 April 2024.

106557

Gouvernement du Québec

**O.C. 1667-2023, 15 November 2023**

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

Tax Administration Act  
(chapter A-6.002)

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

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

WHEREAS Order in Council 348-2016 dated 27 April 2016 authorized the Minister of International Relations and La Francophonie to sign alone the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Austria and the consequential Administrative Arrangement;

WHEREAS the Understanding and the Administrative Arrangement were signed in Montréal on 14 December 2022;

WHEREAS the Understanding aims, in particular, to guarantee to the persons concerned the benefits of the coordination in the fields of retirement, survivorship, disability, death, industrial accidents and occupational diseases;

WHEREAS the terms and conditions of the Understanding are set out in an administrative arrangement attached to the Understanding;

WHEREAS, under the first paragraph of section 96 of the Tax Administration Act (chapter A-6.002), the Government may make regulations, in particular, to give effect to any agreement 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), for the purpose of giving effect to an agreement entered into with another country, the Government may make regulations respecting the manner in which that Act shall apply to any case affected by such agreement and for adapting the provisions of that Act thereto;

WHEREAS the Understanding 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 Understanding 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 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 shall 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 Understanding on 18 April 2023;

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, draft regulations of the Government, in particular, respecting the implementation of agreements on social security signed by the Government 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 Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Austria, signed in Montréal on 14 December 2022 and approved by the National Assembly on 18 April 2023, whose text is attached to the Regulation respecting the implementation of the Understanding mentioned hereafter, be ratified;

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

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

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## **Regulation respecting the implementation of the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Austria**

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

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

**1.** The Act respecting the Québec Pension Plan (chapter R-9) and the regulations thereunder shall apply to any person referred to in the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Austria, signed at Montréal on 14 December 2022 and appearing in Schedule I.

**2.** That Act and those regulations shall apply in the manner provided for in the Understanding and in the Administrative Arrangement for the application of the Understanding signed at Montreal on 14 December 2022 and appearing in Schedule II.

**3.** This Regulation replaces the Regulation respecting the implementation of the Understanding on Social Security between the Government of the Republic of Austria and the Gouvernement du Québec (chapter R-9, r. 8) and the Règlement sur la mise en œuvre d'un Avenant à l'Entente en matière de sécurité sociale entre le gouvernement du Québec et le gouvernement de la République d'Autriche (chapter R-9, r. 9).

**4.** This Regulation comes into force on 1 February 2024.

## SCHEDULE I

(s. 1)

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

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC  
OF AUSTRIA

(the “Parties”)

RESOLVED to further strengthen the relations in the field of social security,

NOTING the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Austria done at Vienna on 9 December 1993, as amended by a Supplementary Understanding done at Vienna on 11 November 1996, and

TAKING INTO ACCOUNT the changes which have taken place in their respective legislation since that Understanding and Supplementary Understanding were signed,

HAVE AGREED as follows:

## PART I GENERAL PROVISIONS

### ARTICLE 1

#### *Definitions*

1. For the purposes of this Understanding:

“benefit” means, for a Party, a pension, annuity, indemnity, lump-sum payment, or any other benefit in cash provided for under the legislation of each Party, including any extension, supplement, or increase thereto;

“competent institution” means, for Austria the agency, the institution, the organization, or body responsible in full or part for the implementation of the legislation referred to in subparagraph (a) paragraph 1 of Article 2, and for Québec, the Québec department or agency responsible for administering the legislation referred to in subparagraph (b) paragraph 1 of Article 2;

“competent authority” means:

for Austria, the Federal Minister or Ministers responsible for the application of the legislation of Austria, referred to in subparagraph (a) paragraph 1 of Article 2; and

for Québec, the Minister or Ministers responsible for the application of the legislation referred to in subparagraph (b) paragraph 1 of Article 2;

“legislation” means, for a Party, the social security laws referred to in Article 2;

“national” means, for Austria, an Austrian citizen; and, for Québec, a Canadian citizen who is or has been subject to the legislation referred to in subparagraph (b) paragraph 1 of Article 2 or has acquired rights under that legislation;

“period of insurance” means:

for Austria, a period of contribution or equivalent period that is defined or recognized as a period of insurance under the Austrian legislation on pension insurance; and,

for Québec, any year for which contributions have been paid or disability pension benefits have been paid out under the legislation respecting the Québec Pension Plan or any other year considered as equivalent;

“reside” means to ordinarily live in the territory of a Party with the intention to establish or maintain one’s domicile therein, while being legally authorized to do so;

“stay” means to be temporarily in the territory of a Party without intention of residing therein.

2. A term that is used in this Understanding that is not defined in this Article shall have the meaning assigned to it in each Party’s respective legislation.

### ARTICLE 2

#### *Material Scope*

1. This Understanding shall apply to the following legislations :

(a) for Austria:

(i) to the legislation concerning pension insurance with the exception of the pension insurance for notaries;

(ii) to the legislation concerning accident insurance;

(iii) with regard to Part II only, to the legislation concerning sickness insurance;

including regulations and statutory instruments made thereunder;

(b) for Québec:

(i) to the legislation concerning the Québec Pension Plan;

(ii) to the legislation concerning industrial accidents and occupational diseases;

including regulations made thereunder.

2. This Understanding shall apply to any laws, regulations and statutory instruments that amend, supplement, consolidate, or supersede the legislation referred to in paragraph 1.

3. This Understanding shall not affect any other agreement or understanding on social security that either Party has concluded with a third Party, except for Austria if an agreement contains provisions relating to the apportionment of insurance burdens.

4. This Understanding shall also apply to any laws and regulations that extend the legislation of a Party to include a new category of persons or to include a new benefit unless the Party implementing the changes advises the other Party, within six months of the entry into force of those laws and regulations, that this Understanding does not apply to that new category of persons or to that new benefit.

### **ARTICLE 3**

#### *Personal Scope*

Each Party shall apply this Understanding to any person who is or who has been subject to the legislation of Austria or Québec or both Parties, and to any other person who may derive rights from that person under the legislation of either Party.

### **ARTICLE 4**

#### *Equality of Treatment*

1. For eligibility, payment of benefits and service of benefits in kind, a Party shall treat any person who is or who has been subject to the legislation of the other Party, and any other person who may derive benefits from that person, under the same conditions as a national of the first Party.

2. A Party shall also apply the provisions of paragraph 1 in situations when a person resides in or stays in the territory of a third State.

3. Paragraph 1 shall not apply to the provisions of Austrian legislation concerning the apportionment of insurance burdens resulting from agreements with third Parties.

4. As regards Austrian legislation, Austria shall apply equal treatment only to nationals as defined in Article 1 in relation to Québec who were Austrian nationals immediately before 13 March 1938 concerning the crediting of periods of war service and periods considered as equivalent.

5. If a national as defined in Article 1 in relation to Québec is subject to the legislation of Austria in accordance with Article 9, Austria shall apply equal treatment to that person.

### **ARTICLE 5**

#### *Export of Benefits*

1. Unless otherwise provided in this Understanding, a Party shall not reduce, modify, suspend, or cancel a benefit payable to a person described in Article 3, based only on the fact that the person resides in or stays in the territory of the other Party. A Party shall pay that benefit when that person resides in or stays in the territory of the other Party.

2. For Austria, paragraph 1 shall not apply to the compensatory supplement and single payments to maintain purchasing power.

## **PART II**

### **PROVISIONS CONCERNING THE APPLICABLE LEGISLATION**

### **ARTICLE 6**

#### *General Rule*

Subject to Articles 7 to 10, a person who works in the territory of a Party shall, in respect of that work, be subject only to the legislation of that Party. This shall also apply if the employer's place of business is in the territory of the other Party.

### **ARTICLE 7**

#### *Self Employed Persons*

A person who would otherwise be compulsorily covered under the legislation of both Parties with respect to self-employment and who resides in the territory of one Party shall be subject only to the legislation of the Party on whose territory that person resides.

**ARTICLE 8***Detachments*

If an employed person who is subject to the legislation of a Party is sent by that person's employer to work in the territory of the other Party, that person shall, in respect of that work, be subject only to the legislation of the first Party, for the first sixty months as though that work were performed in the first Party's territory.

**ARTICLE 9***Government Employment*

1. This Understanding shall not affect the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961 or the Vienna Convention on Consular Relations of 24 April 1963.

2. A person employed by the government or other public employer of a Party and who is sent by that Party to perform services in the territory of the other Party shall be subject, in respect of those services, only to the legislation of the first Party.

3. Except as provided in paragraphs 1 and 2 a person who resides in the territory of a Party and who is employed in that territory by the other Party, shall be subject, in respect of that employment, only to the legislation of the first Party.

**ARTICLE 10***Exceptions*

The competent authorities of the Parties may by mutual consent at the request of an employed person and his employer or of a self-employed person modify the application of Articles 6 to 9 taking into account the nature and circumstances of the work.

**PART III****OLD AGE, DISABILITY AND SURVIVORS PENSIONS****CHAPTER 1****TOTALIZING****ARTICLE 11***Principle of Totalization*

1. If a person is not eligible for a benefit due to insufficient periods of insurance under the legislation of a Party, the competent institution of that Party shall determine the eligibility of that person for that benefit by totalizing these periods with the periods of insurance accomplished under the legislation of the other Party, provided that the periods do not overlap.

2. To determine eligibility for a benefit under the legislation of Austria, Austria shall consider:

(a) a calendar year that is a period of insurance under the Québec Pension Plan except periods during which disability pension benefits have been paid out as 12 months of contributions of obligatory insurance due to gainful activity under the legislation of Austria;

(b) a month which contains at least fifteen days of residence under the Old Age Security Act which applies in the territory of Québec as a month that is a period of insurance under the legislation of Austria provided that the period of insurance under the Old Age Security Act does not overlap with a period of insurance under the Québec Pension Plan.

**ARTICLE 12***Periods completed under the Legislation of a Third State*

If a person is not eligible for a benefit based on the periods of insurance under the legislation of both Parties totalized in accordance with Article 11, a Party shall determine the eligibility of that person by totalizing these periods and periods of insurance completed under the legislation of a third State to which it is bound by a social security instrument that provides for the totalizing of periods.

**ARTICLE 13***Minimum Period to be totalized*

If the total of the periods of insurance accumulated under the legislation of a Party is less than one year and if, considering only those periods of insurance, a person is not eligible for a benefit under its legislation, that Party shall not be required to pay a benefit to that person for those periods. The other Party shall, however, take into consideration these periods of insurance to determine whether a person is eligible for a benefit under the legislation of that Party under this Chapter.

**CHAPTER 2****BENEFITS UNDER THE LEGISLATION OF AUSTRIA****ARTICLE 14***Special Rules for Totalization*

For the application of Chapter 1, the following shall apply:

(a) Where Austrian legislation makes the award of certain benefits conditional upon the completion of periods of insurance in an occupation covered by special schemes or in a specified occupation or employment, only periods

of insurance completed under a corresponding scheme or, failing that, in the same occupation or, where appropriate, in the same employment under the legislation of Québec shall be taken into account for the award of such benefits.

(b) Where Austrian legislation provides that the period of payment of a pension shall prolong the reference period during which periods of insurance must be completed, periods during which a corresponding benefit has been awarded under the legislation of Québec shall also prolong the aforesaid reference period.

#### **ARTICLE 15**

##### *Calculation of the Benefits*

1. Where entitlement to a benefit exists under legislation of Austria without the application of Chapter 1, the competent institution of Austria shall determine the amount of the benefit in accordance with the legislation of Austria on the basis of periods of insurance completed exclusively under that legislation.

2. Where entitlement to a benefit exists under the legislation of Austria only by totalizing periods under Chapter 1, the competent Austrian institution shall determine the amount of the benefit in accordance with national law concerning the calculation of benefits under bilateral agreements.

#### **CHAPTER 3**

#### **BENEFITS UNDER THE LEGISLATION OF QUÉBEC**

#### **ARTICLE 16**

##### *Benefits under the Legislation of Québec*

1. If the persons who have been subject to the legislation of both Parties meet the requirements for entitlement to benefits for themselves, their dependents, survivors, or other rightful claimants under the legislation of Québec without having recourse to the totalization principle set forth in Article 11, 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 proceed as follows:

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

(b) it shall totalize, in accordance with Article 11, the years recognized under subparagraph (a) and the periods completed under the legislation of Québec.

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

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

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

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

by

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

#### **PART IV**

#### **INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES**

#### **ARTICLE 17**

##### *Benefits in Kind*

1. A person who is entitled to benefits in kind as a consequence of an industrial accident or an occupational disease under the legislation of one Party and who stays or resides in the territory of the other Party shall be entitled to benefits in kind at the expense of the competent institution of the first Party if this competent institution so requests. These benefits shall be granted by the institution of the place of stay or residence of this person as if that person were insured with this institution, from the moment such a request is received, taking into account any limitations or special conditions contained in that request, under the legislation it applies.

2. In cases provided for in paragraph 1, the granting of prostheses, large devices and other benefits in kind of great importance shall be subject, except in emergencies, to the authorization of the competent institution of the person in relation to the industrial accident or occupational disease.

3. In cases provided for in paragraph 1, the benefits in kind shall be provided:

(a) in Austria by the Austrian Health-insurance Institution (ÖGK) or the General Accident Insurance Institution (AUVA);

(b) in Québec by the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST).

4. The benefits in kind granted under paragraph 1 by the institution of the place of stay or residence shall give rise to full reimbursement by the competent institution with the exception of administrative fees. This reimbursement shall be effected through the liaison agencies concerned.

#### ARTICLE 18

*Benefits for an Occupational Disease where the Person concerned has been exposed to the same Risk under the Legislation of both Parties*

1. When a person who has contracted an occupational disease has, under the legislation of both Parties, pursued an activity which by its nature is likely to cause that disease, the benefits that he or his survivors may claim shall be awarded exclusively under the legislation of the last of those Parties whose conditions are satisfied, taking into account, where appropriate, paragraphs 2 to 4.

2. If, under the legislation of a Party, the granting of benefits in respect of an occupational disease is subject to the condition that the disease in question was first diagnosed within its territory, such condition shall be deemed to be satisfied if the disease was first diagnosed in the territory of the other Party.

3. If, under the legislation of a Party, the granting of benefits in respect of an occupational disease is subject to the condition that the disease in question was diagnosed within a specific time limit following cessation of the last activity which was likely to cause such a disease, the competent institution of that Party, when checking the time at which such activity was pursued, shall take into account, to the extent necessary, similar activities pursued under the legislation of the other Party, as if they had been pursued under the legislation of the first Party.

4. If, under the legislation of a Party, the granting of benefits in respect of an occupational disease is subject to the condition that an activity likely to cause the disease in question was pursued for a certain length of time, the competent institution of the Party shall take into account, to the extent necessary, periods during which such activity was pursued under the legislation of the other Party, as if it had been pursued under the legislation of the first Party.

#### ARTICLE 19

*Aggravation*

1. In the event of aggravation of an occupational disease for which a person suffering from such a disease has received or is receiving benefits under the legislation of a Party, the following rules shall apply:

(a) if the person concerned, while in receipt of benefits, has not pursued, under the legislation of the other Party, an activity as an employed or self-employed person likely to cause or aggravate the disease in question, the competent institution of the first Party shall bear the cost of the benefits under the provisions of the legislation which it applies, taking into account the aggravation;

(b) if the person concerned, while in receipt of benefits, has pursued such an activity under the legislation of the other Party, the competent institution of the first Party shall bear the cost of the benefits under the legislation it applies without taking the aggravation into account. The competent institution of the second Party shall grant a supplement to the person concerned, the amount of which shall be equal to the difference between the amount of benefits due after the aggravation and the amount which would have been due prior to the aggravation under the legislation it applies, if the disease in question had occurred under the legislation of that Party.

2. In the event of aggravation of the conditions of a person due to an industrial accident which occurred when the person concerned was subject to the legislation of a Party, the following rules shall apply:

(a) if the aggravation is not caused by a new industrial accident recognized under the legislation of the other Party, the competent institution of the first Party shall bear the cost of benefits under the provisions of the legislation which it applies, taking into account the aggravation;

(b) if the aggravation is caused by an industrial accident recognized under the legislation of the other Party, the competent institution of the first Party shall bear the cost of benefits under the legislation it applies without taking the aggravation into account. The competent institution of the second Party shall grant a supplement to the person concerned, the amount of which shall be equal to the difference between the amount of benefits due after the aggravation and the amount which would have been due prior to the aggravation under the legislation it applies, if the industrial accident in question had occurred under the legislation of that Party.

**ARTICLE 20***Taking into account of Dependents*

If a Party's legislation provides that the amount of cash benefits varies with the number of dependents, the competent institution of this Party shall also take into account dependents who reside in the territory of the other Party under the applicable legislation, for the determination of the status of dependent.

**PART V****ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS****ARTICLE 21***Administrative Arrangement*

1. The competent authorities of the Parties shall conclude an administrative arrangement that establishes the measures necessary to apply this Understanding.

2. The competent authorities of the Parties shall designate their liaison agencies in the administrative arrangement.

**ARTICLE 22***Exchange of Information, Mutual Assistance and Medical Examination*

1. The competent authorities of the Parties shall:

(a) provide to each other any information necessary to apply this Understanding and the legislation they apply;

(b) inform each other of all changes in legislation which affect the application of this Understanding.

2. The competent institutions of the Parties shall assist each other in applying this Understanding as if they were applying their own legislation. The competent institutions shall provide this assistance free of charge, subject to any provision in an administrative arrangement concluded pursuant to Article 21 for the reimbursement of certain types of expenses.

3. If the competent institution of a Party requires an applicant or beneficiary who resides or stays in the territory of the other Party to undergo a medical examination, such examination shall, at the request of that competent institution and at its expense, be arranged or carried out by the competent institution of the latter Party according to its procedures. The examinations shall give rise to full reimbursement by the competent institution with the exception of administrative fees.

**ARTICLE 23***Protection of Personal Information*

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

2. Insofar as personal information is communicated pursuant to this Understanding and in conformity with domestic laws, the following provisions shall apply taking into consideration other binding provisions of the respective Parties.

3. The institutions of both Parties may release to one another any personal information necessary for the application of this Understanding.

4. Subject to the following paragraphs, personal information communicated in any form between the responsible authorities and institutions pursuant to this Understanding or to any arrangement implementing this Understanding shall be treated as confidential information received from the other Party in the same manner as like information obtained under the domestic laws of the receiving Party. These obligations shall apply to all persons fulfilling tasks under this Understanding and also to persons bound themselves by the obligation to maintain secrecy.

5. Personal information released to an institution of a Party, within the framework of the application of this Understanding, may be used or communicated only for the application of this Understanding.

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

(a) its use and communication is in conformity with domestic laws of the receiving institution for social security purposes directly related to the purpose for which the information was originally collected and released to the competent institution including related court procedures and disclosure to other competent bodies for the said purposes;

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

(c) its communication is necessary for fiscal purposes.

6. The institutions of both Parties shall ensure, during the transmission of the information referred to in paragraph 3, the use of adequate means preserving the confidentiality of such information.



7. The institution of a Party, to which information referred to in paragraph 3 is released, shall take adequate measures to protect it against accidental or unauthorized destruction, accidental loss or unauthorized or accidental access, alteration and release.

8. The transmitting institution of a Party shall guarantee that the personal information communicated is accurate, up-to-date and complete so as to serve the purposes for which it was collected. Before initiating any communication of personal information the transmitting institution shall examine whether or not the communication is necessary and proportionate with regard to the purpose of the communication in question. This shall be done with due consideration to prohibitions on communication existing in the relevant domestic laws. In the case of communication of inaccurate information or information which should not have been communicated under the domestic laws of the Party of the transmitting institution, the receiving institution shall be informed thereof without undue delay. The latter shall carry out the necessary deletion or correction of the information immediately. If the receiving institution has reason to suppose that communicated information might be inaccurate or should be deleted, this institution shall immediately inform the communicating institution thereof.

9. Personal information communicated shall be deleted, if found to be inaccurate, or unlawfully obtained or communicated, or if lawfully communicated information have to be deleted at a later date pursuant to the domestic laws of the Party of the transmitting institution, or if information is no longer needed for the fulfilment of the task and if there is no reason to suppose that the deletion could endanger a person's interests deserving protection in the field of social security. The institutions of both Parties shall use safe and final means of destruction, and shall ensure the confidentiality of the personal information awaiting destruction.

10. Upon request to an institution of a Party, the person concerned, having proven his identity in an appropriate manner, shall have the right to be informed about the personal information relating to him which have been communicated or processed, about their origin, the recipients or categories of recipients of communications, the purpose of the use of this information as well as its legal basis in an understandable form. The information shall be given without undue delay and in principle free of charge. Moreover the person concerned shall have the right to correction of incomplete or inaccurate information and to deletion of unlawfully processed information. Further procedural details relating to the enforcement of these rights shall be subject to domestic laws.

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

12. The provisions of paragraphs 3 et seq. shall apply, with the necessary adaptations, to other confidential information obtained within the framework of the application of this Understanding or by reason thereof.

13. In the event of breach of rights related to protection of personal information, the affected persons concerned shall be entitled to effective remedy, including in a court of law, in accordance with the respective domestic laws of the Parties. Furthermore, the Parties shall ensure that any person concerned by an unlawful processing of data is entitled to receive compensation for the damage suffered.

14. Both the transmitting institution and the receiving institution shall be obliged to register the purpose, subject and date of any communication of personal information as well as the name of the respective transmitting and receiving institution.

#### **ARTICLE 24**

##### *Exemption or Reduction of Fees and Authentication*

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

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

#### **ARTICLE 25**

##### *Language of Communication*

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

2. The competent institution of a Party shall not reject claims or other documents submitted to it by reason only of the fact that they are written in an official language of the other Party.

**ARTICLE 26***Submitting a Claim, Notice or Appeal*

1. Any claim, declaration or appeal which, for the application of this Understanding or of the legislation of a Party, has been submitted to a competent institution of one Party shall be considered as a claim, declaration or appeal submitted to the competent institution of the other Party.

2. Any claim for a benefit under the legislation of one Party shall be considered to be a claim for the corresponding benefit under the legislation of the other Party, provided that the claimant provides information at the time of application indicating that periods of insurance have been completed under the legislation of the latter Party; this shall not apply, however, when the claimant expressly requests that the determination of an old age or retirement benefit under the legislation of this latter Party be deferred.

3. Any claim, declaration or appeal, under the legislation of one Party, which must be submitted within a specified time to a competent institution of that Party may be submitted within the same time to the corresponding institution of the other Party.

4. In the cases to which paragraphs 1 to 3 apply, the institution to which the submission has been made shall forward the claim, declaration or appeal without delay to the corresponding competent institution of the other Party.

**ARTICLE 27***Payment of Benefit*

1. (a) The competent institution of Austria shall pay a benefit according to the legislation it applies in its national currency to any person who resides outside its territory or to a representative authorized under its legislation. It may also pay that benefit in any other freely convertible currency.

(b) The competent institution of Québec shall pay a benefit according to the legislation it applies in a freely convertible currency to any person who resides outside its territory.

2. The competent institution of a Party shall not deduct any amount for administrative expenses from any benefit paid.

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

**ARTICLE 28***Resolution of Disputes*

Any dispute between the Parties relating to the interpretation or application of this Understanding shall be made the subject of direct negotiations between the competent authority of Austria and a designated authority of Québec.

**PART VI****TRANSITIONAL AND FINAL PROVISIONS****ARTICLE 29***Transitional Provisions*

1. Subject to paragraph 2, this Understanding, as of its date of entry into force, shall replace the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Austria done at Vienna on 9 December 1993, as amended by a Supplementary Understanding done at Vienna on 11 November 1996.

2. (a) Any right to a benefit acquired by a person in accordance with the provisions of the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Austria done at Vienna on 9 December 1993, as amended by a Supplementary Understanding done at Vienna on 11 November 1996, shall be maintained.

(b) Any claim to a benefit made but not finally adjudicated at the date upon which this Understanding comes into force, shall be adjudicated according to the provisions of the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Austria done at Vienna on 9 December 1993, as amended by a Supplementary Understanding done at Vienna on 11 November 1996.

3. Any period of insurance completed before the date of entry into force of this Understanding shall be taken into account to determine the right to a benefit under this Understanding.

4. Unless otherwise provided by the legislation of a Party, this Understanding shall not confer any right to receive payment of a benefit for a period before the date of entry into force of this Understanding.

5. A benefit shall be payable under this Understanding in respect of events which happened before the date of entry into force of this Understanding.

6. If a person is covered under the legislation of Austria or under the legislation of Québec, in accordance with the provisions of the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Austria done at Vienna on 9 December 1993, as amended by a Supplementary Understanding done at Vienna on 11 November 1996, at the date upon which this Understanding comes into force, this person shall remain covered even though such coverage would no longer be granted under the provisions of this Understanding, as long as this person's situation does not change.

7. For a person detached on the date of entry into force of this Understanding, the detachment period completed before that date shall be taken into account in computing the period of 60 months.

### ARTICLE 30

#### *Protection of Rights*

This Understanding shall not affect any existing rights under Austrian legislation of any person who has suffered disadvantages in the field of social security because of political or religious reasons or by reason of descent.

### ARTICLE 31

#### *Duration and Termination*

1. This Understanding shall remain in force indefinitely. It may be terminated by one of the Parties by notification to the other Party. This Understanding shall end on the 31st day of December of the year following the date of notification.

2. If a Party terminates this Understanding, a person shall be entitled to any benefit already acquired in accordance with this Understanding. This Understanding shall continue to have effect in relation to any person who had applied for a benefit before its termination and who would have acquired a benefit if this Understanding had not been terminated.

3. Both Parties shall continue to apply Part II of this Understanding for detachment that commence prior to the termination of this Understanding.

### ARTICLE 32

#### *Entry into Force*

This Understanding shall enter into force on the first day of the third month following the month in which each Party shall have received from the other Party written notification that it has complied with all internal requirements for the entry into force of this Understanding.

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Understanding.

Done in duplicate at Montréal, this 14th day of December 2022, in the French and German languages, each text being equally authentic.

FOR THE  
GOUVERNEMENT  
DU QUÉBEC

FOR THE  
GOVERNMENT OF  
THE REPUBLIC  
OF AUSTRIA

MARTINE BIRON

SYLVIA MEIER-KAJBIĆ

### SCHEDULE II

(s. 2)

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

Pursuant to Article 21 (1) of the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Austria,

for Québec,

the Minister of International Relations and La Francophonie,

for Austria,

the Federal Minister of Social Affairs, Health, Care and Consumer Protection,

have agreed on the following provisions:

### PART I

#### GENERAL PROVISIONS

### ARTICLE 1

#### *Definitions*

(a) For the purposes of this Administrative Arrangement, "Understanding" means the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Austria, done at Montréal on 14 December 2022.

(b) A term that is not defined in this Administrative Arrangement and is found in the Understanding shall have the meaning assigned to it in the Understanding.

**ARTICLE 2***Liaison Agencies*

Pursuant to Article 21 (2) of the Understanding, the following organizations shall act as the respective liaison agencies of the competent authorities:

(a) for the Republic of Austria (“Austria”):

the Federation of Social Insurances (*Dachverband der Sozialversicherungsträger*), Vienna;

(b) for Québec:

for pension insurance and determination of applicable legislation: the Bureau des ententes de sécurité sociale of Retraite Québec, Montréal;

for industrial accidents and occupational diseases: the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST), Montréal.

**PART II**

## APPLICABLE LEGISLATION

**ARTICLE 3***Coverage of Employed and Self-employed Persons*

(a) For Articles 7, 8 or 10 of the Understanding, the institution responsible for the applicable legislation and designated in subparagraph (b) shall, on request of the employer or the self-employed person, issue a certificate of coverage that certifies that the work is subject to that legislation. The institution shall send a copy of that certificate to the applicant.

(b) (i) If the legislation of Austria applies, the competent institution of Austria shall issue the certificate of coverage and send a copy of the certificate to the liaison agency of Québec.

(ii) If the legislation of Québec applies, the liaison agency of Québec shall issue the certificate of coverage and send a copy to the liaison agency of Austria.

(c) Written communication concerning exceptions under Article 10 of the Understanding shall be done between the competent authority of Austria and the liaison agency of Québec.

**PART III**

## OLD AGE, DISABILITY AND SURVIVORS PENSIONS

**ARTICLE 4***Initial or ongoing Eligibility*

(a) For the purpose of this Article “agency” means, for Austria, the competent institution and, for Québec, the liaison agency.

(b) For purposes of the application of Part III of the Understanding, the agency which receives a claim and it appears that there may be eligibility for a benefit under the legislation of the other Party shall notify the agency of the other Party, and confirm the date of receipt of the claim.

(c) If an agency receives a claim for a benefit under the legislation of the other Party, it shall, without delay, send the claim to the agency of the other Party and confirm the date of receipt of the claim.

(d) An agency shall send any information it detains that may be necessary for the agency of the other Party to establish the person's eligibility for the benefit.

(e) An agency shall certify the information about any person that it receives as part of the claim and confirm that this information is corroborated by documentary evidence. An agency shall not have to send the corroborating documentary evidence to the agency of the other Party if it is certified. The liaison agencies shall jointly decide the type of information that has to be certified and the method of certification.

(f) An agency shall, to the extent permitted by the Understanding, provide to the agency of the other Party any available medical information concerning the disability of the person.

(g) An agency shall send to the agency of the other Party the periods of insurance and any other information available under the legislation that it administers that may be necessary for the other agency to establish the person's eligibility for the benefit. An agency may also request from the agency of the other Party any additional information, such as periods of coverage in Austria that the agency may require to establish the person's eligibility for a benefit under its legislation.

(h) Each competent institution shall determine a person's eligibility to a benefit under its respective legislation and shall notify the person and the agency of the other Party of the decision to grant or deny the benefit. It shall also inform the claimant of any recourse available and the deadlines for such recourse as provided for in that legislation.

(i) The agencies shall, on request, provide to each other any information available that may be necessary to maintain a person's eligibility to a benefit.

(j) When an agency is aware that a person also receives benefits under the legislation of the other Party, it shall inform the agency of that other Party of the death of this person.

#### **PART IV** **INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES**

##### **ARTICLE 5**

###### *Benefits in Kind*

(a) In order to obtain benefits in kind according to Article 17 of the Understanding, the person who is entitled to benefits shall present a certificate issued by the competent institution to the institution of the beneficiary's place of stay or residence designated in Article 17 (3) of the Understanding. This certificate may also be exchanged directly between the competent institutions.

(b) Benefits in kinds according to Article 17 (2) of the Understanding shall, insofar as they are provided by the legislation applied by the institution designated in Article 17 (3) of the Understanding, be listed in an operational agreement to be concluded by the liaison agencies and updated when necessary.

(c) For the purposes of Article 17 (2) of the Understanding, when the institution of the place of stay or residence provides for the granting of prostheses, large devices or other benefits in kind of great importance, it shall ask the competent institution to transmit its decision on such benefits, using the prescribed form. If, however, these benefits have already been granted because of an emergency, the institution of the place of stay or residence shall notify the competent institution and the acknowledgement of receipt of this notice shall then be considered as retroactive authorization.

##### **ARTICLE 6**

###### *Occupational Disease and Aggravation*

For the application of Articles 18 and 19 of the Understanding, the competent institutions shall exchange necessary information using agreed upon forms.

#### **PART V** **MISCELLANEOUS**

##### **ARTICLE 7**

###### *Medical Examinations*

(a) If a competent institution requires a person who resides in the territory of the other Party to undergo a medical examination, it shall ask the competent institution of Austria or the liaison agency of Québec to arrange the examination according to its own practices. The competent institution that requests the medical examination shall reimburse any expenses incurred for the examination.

(b) Each competent institution shall prepare a statement of the expenses that it incurs on behalf of the competent institution of the other Party for each calendar year; the competent institution that requested the medical examination shall reimburse the expenses of the requested competent institution within six months of receipt of the statement.

(c) A competent institution or liaison agency may refuse to make arrangements for additional medical examinations if the competent institution of the other Party does not reimburse the expenses within the specified period.

##### **ARTICLE 8**

###### *Exchange of Statistics*

The liaison agencies of the two Parties shall exchange statistics on an annual basis regarding the application of the Understanding. These statistics shall include data on the number of beneficiaries, the total amount of benefits paid, by type of benefit, and the number of certificates of coverage issued.

##### **ARTICLE 9**

###### *Financial Provisions*

(a) For the application of Article 17 (4) of the Understanding the request for reimbursement of the costs of benefits in kind shall be made by the institution designated in Article 17 (3) of the Understanding at least once every calendar year.

(b) Requests for reimbursement which are not disputed shall be paid.

(c) The liaison agencies may agree on the procedures for the implementation of paragraph (a) of this Article.

(d) Communications and reimbursements under this Article shall be made through the liaison agencies of both Parties.

#### ARTICLE 10

##### *Forms and Detailed Procedures*

(a) The liaison agencies shall jointly decide on the forms and procedures necessary to implement the Understanding and this Administrative Arrangement.

(b) A competent institution or liaison agency may refuse to accept information from or to provide information to the competent institution or liaison agency of the other Party, if the competent institution or liaison agency of the other Party does not provide or request information on the forms that the liaison agencies have jointly decided on.

#### ARTICLE 11

##### *Entry into Effect*

(a) This Administrative Arrangement shall take effect on the date of entry into force of the Understanding and shall remain in effect while the Understanding remains in force.

(b) The competent authorities may modify this Administrative Arrangement by mutual consent in writing.

SIGNED in duplicate at Montréal, this 14th day of December 2022, in the German and French languages, each version being equally valid.

THE MINISTER OF  
INTERNATIONAL  
RELATIONS AND  
LA FRANCOPHONIE  
OF QUÉBEC

MARTINE BIRON

106559

FOR THE FEDERAL  
MINISTER OF SOCIAL  
AFFAIRS, HEALTH, CARE  
AND CONSUMER  
PROTECTION OF THE  
REPUBLIC OF AUSTRIA

SYLVIA MEIER-KAJBIĆ

Gouvernement du Québec

#### O.C. 1670-2023, 15 November 2023

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

#### **Implementation of the provisions relating to industrial accidents and occupational diseases contained in the Understanding on Social Security between the Government of the Republic of Austria and the Gouvernement du Québec**

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

WHEREAS the Understanding on Social Security between the Government of the Republic of Austria and the Gouvernement du Québec and the consequential Administrative Arrangement were signed in Montréal on 14 December 2022;

WHEREAS the Understanding, among other things, guarantees to the persons concerned the advantages of coordination regarding industrial accidents and occupational diseases;

WHEREAS the National Assembly approved the Understanding on 18 April 2023;

WHEREAS, under the first paragraph of section 170 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS, under the second paragraph of section 170 of the Act respecting occupational health and safety, notwithstanding any other legislative or regulatory provision, where an agreement under that section extends benefits arising out of Acts or regulations referred to in the first paragraph to any person contemplated in the agreement, the Commission may, by regulation, to make it effective, take the measures necessary for its application;

WHEREAS, under subparagraph 39 of the first paragraph of section 223 of the Act, the Commission may make regulations taking the necessary measures for the implementation of an agreement made pursuant to section 170 of the Act;