



chapter R-9, r. 30

Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Norway

An Act respecting the Québec Pension Plan

(chapter R-9, s. 215)

Tax Administration Act

(chapter A-6.002, s. 96)

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail

(chapter M-15.001, s. 10)

An Act respecting the Ministère de la Santé et des Services sociaux

(chapter M-19.2, s. 10)

1. The following Acts and the Regulations made thereunder apply to any person referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Norway signed on 29 October 1987 and appearing in Schedule I to the Regulation:

- (1) the Hospital Insurance Act (chapter A-28);
- (2) the Health Insurance Act (chapter A-29);
- (3) the Act respecting the Québec Pension Plan (chapter R-9);
- (4) the Act respecting health services and social services (chapter S-5).

O.C. 1743-87, s. 1.

2. Those Acts and Regulations apply in the manner prescribed in the Agreement and the consequential Administrative Arrangement appearing in Schedule II to this Regulation.

O.C. 1743-87, s. 2.

3. *(Omitted).*

O.C. 1743-87, s. 3; O.C. 2024-87, s. 1.

SCHEDULE I

(s. 1)

AGREEMENT ON SOCIAL SECURITY BETWEEN QUÉBEC AND NORWAY

The Gouvernement du Québec

and

The Government of the Kingdom of Norway,

Wishing to facilitate the mobility of persons between Québec and Norway,

Desirous of ensuring the coordination of the social security legislation of Québec and of Norway,

Have agreed to the following provisions:

TITLE I

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Agreement and unless the context indicates otherwise:

- (a) «territory» means, in relation to Québec, the territory of Québec and, in relation to Norway, the territory of the Kingdom of Norway, including Svalbard and Jan Mayen;
- (b) «national» means, in relation to Québec, a person with Canadian citizenship residing in Québec;
- (c) «competent authority» means, in relation to Québec, the Minister responsible for applying the legislation referred to in Paragraph *a* of Article 2, and, in relation to Norway, the Ministry of Health and Social Affairs;
- (d) «competent institution» means, in relation to Québec, the department or agency responsible for administering the legislation referred to in Paragraph *a* of Article 2, and, in relation to Norway, the competent institution under the legislation referred to in Paragraph *b* of Article 2;
- (e) «insurance period» means any year in respect of which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year deemed equivalent; and any contributory period, any calendar year for which pension points have been credited for the purposes of calculating a supplementary pension, any period of residence or any equivalent period making it possible to acquire entitlement to benefits under Norwegian legislation;
- (f) «benefit» means a pension, an annuity, an allowance, a lump sum or any other cash benefit or benefit in kind prescribed by the legislation of each Party, including any additional benefit, supplement or increase;
- (g) «survivor's pension» means, in relation to Norway, a transitional pension and benefits payable to a surviving spouse and a child's pension;
- (h) «continental shelf» means, in relation to Norway, the ocean floor and its substrata situated in the undersea regions off the coast of the Kingdom of Norway that fall within Norwegian jurisdiction in respect of the development and exploration of natural deposits,

and any term not defined in the Agreement has the meaning assigned to it by the applicable legislation.

Article 2

Scope of Application

1. The Agreement applies to the following legislation:

- (a) in relation to Québec, the Act respecting the Québec Pension Plan and legislation respecting industrial accidents and occupational diseases, health insurance, hospital insurance and other health services;

(b) in relation to Norway,

(i) the provisions of the National Insurance Act of June 17, 1966 respecting medical care, old age pensions, disability benefits, lump sum death benefits, survivor's benefits and benefits for occupational injuries and diseases;

(ii) the Act of June 19, 1969, respecting special supplements to National Insurance Plan benefits;

(iii) the Act of December 19, 1969 respecting compensatory supplements to National Insurance Plan benefits.

2. The Agreement also applies to any act or regulation amending, supplementing or replacing that legislation.

3. The Agreement applies to:

(a) an act or a regulation covering a new area of social security, only if the Agreement is changed in that behalf;

(b) an act or a regulation of one Party extending existing plans to new categories of beneficiaries, only if that Party has not given notice of objection in that respect to the other Party within 6 months following the date of the official publication of that instrument.

Article 3

Persons to Whom the Agreement Applies

Unless otherwise provided, the Agreement applies to any person who is or has been subject to the legislation of either Party and to any person in respect of the acquired rights attributable to such a person.

Article 4

Equality of Treatment

Unless otherwise provided by the Agreement, the persons designated in Article 3 shall receive, in the application of the legislation of either Party, the same treatment as the nationals of that Party.

Article 5

Export of Benefits

1. Unless otherwise provided by the Agreement, no benefit acquired under the legislation of one Party or acquired under the Agreement may be reduced, modified, suspended, discontinued or confiscated by reason only that the beneficiary resides or lives in the territory of the other Party, and that benefit is payable in the territory of the other Party.

2. Any benefit payable under the Agreement by one Party in the territory of the other Party is also payable outside the territories of the 2 Parties under the same terms and conditions the first Party usually applies to its nationals.

TITLE II

PROVISIONS RESPECTING APPLICABLE LEGISLATION

Article 6

General Rule

1. Subject to Paragraphs 2 and 3 of this Article and to Articles 7 to 10, an employee or a self-employed person is subject only to the legislation of the Party in whose territory he works.

2. A person employed by an employer in the territory of both Parties is subject to the legislation of the Party in whose territory he resides. If he does not reside in the territory of either Party, he is subject to the legislation of the Party in whose territory the employer has his principal place of business.

Where Norwegian legislation applies, employment is in every case treated in the same manner as employment carried on in the territory of Norway.

3. A person who resides in the territory of one Party and is self-employed in the territory of the other Party or in the territory of both Parties is subject, in respect of that employment, to the legislation of the first Party only.

Where the person resides in Norway, self-employment is in every case treated in the same manner as self-employment carried on in the territory of Norway.

Article 7

Person on Assignment

1. A person who is subject to the legislation of one Party in respect of employment for an employer whose place of business is in the territory of that Party and who is sent by that employer to the territory of the other Party to carry on employment therein on its behalf, is subject, in respect of that employment, to the legislation of the first Party only, as if that employment were carried on in the territory of that Party, provided the person continues to be employed and remunerated by the same employer.

2. Paragraph 1 applies only if the employment in the territory of the other Party does not extend beyond 36 months. Successive assignments of the same person by the same employer are counted as a single assignment, unless they are separated by at least 6 months.

3. For the purposes of Norwegian legislation, where, in accordance with this Article, a person is subject to Norwegian legislation while living in the territory of Québec, the spouse and children living with that person and not subject to the legislation of Québec by reason of paid employment or self-employment are deemed to reside in the territory of Norway.

4. The provisions of Paragraph 1 apply to persons who are assigned to employment at an installation situated on the continental shelf of either Party in relation to the exploration of the ocean floor and substrata of that region or to the development of its mineral resources.

Article 8

Ship's Crews

A person who, but for this Article, would be subject to the legislation of both Parties in respect of employment as a member of a ship's crew is, in respect of that employment, subject to Québec legislation only, if he usually resides in Québec, and to Norwegian legislation only, in every other case.

Article 9

Government Employment

1. An employee, in respect of government employment carried on in the territory of the other Party, is subject to the legislation of the latter Party only if he is a national of that Party or if he usually resides in that territory. In the latter case, if a person who usually resides in the territory of the latter Party is a national of the first Party, he is subject to the legislation of the latter Party only if he so chooses within 6 months from the beginning of his employment or within 6 months of the date of coming into force of the Agreement, if he has already taken up his duties on that date.

2. A Norwegian national employed in Québec as the private domestic of a person described in Paragraph 1 employed by the Government of Norway is, in respect of that employment, subject to Norwegian legislation, unless he resides in Québec and chooses to be governed by Québec legislation. That choice must be made within the periods prescribed by Paragraph 1.

3. In respect of Norwegian legislation, the provisions of this Article also apply to the spouse and children living with the employee in the territory of Québec, unless they themselves are subject to Québec legislation by reason of employment or self-employment.

4. Where the employee is subject to the legislation of the Party in whose territory his duties are performed, the employer in question must fulfil the obligations that legislation imposes on every other employer.

5. Where a person who is not a Norwegian national performs duties in the territory of Norway for the Gouvernement du Québec or as the private domestic of a person employed by the Gouvernement du Québec, the provisions of the National Insurance Act respecting voluntary insurance apply.

6. For the purposes of this Agreement, a Canadian citizen who does not reside in Québec but is or has been subject to Québec legislation is presumed to be a Québec national.

7. No provision of the Agreement may be interpreted as contrary to the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961 or the provisions of the Vienna Convention on Consular Relations of April 24, 1963, in relation to the legislation referred to in Article 2.

Article 10

Derogation from the Provisions of Applicable Legislation

The competent Québec institution and the competent Norwegian authority may, in common agreement, derogate from the provisions of Articles 6, 7, 8 and 9 in respect of a person or a category of persons.

TITLE III

PROVISIONS RESPECTING BENEFITS

CHAPTER 1

RETIREMENT BENEFITS, DISABILITY BENEFITS AND SURVIVOR'S BENEFITS

DIVISION A

QUÉBEC LEGISLATION

Article 11

Benefits Payable under the Québec Pension Plan

1. A person who has been subject to the legislation of either Party, together with his dependants, successors and assigns, receives benefits under Québec legislation if he qualifies under that legislation for entitlement to benefits, the competent institution of Québec determines the amount of the benefit in accordance with the provisions of the legislation it is applying.

2. If the person is not entitled to benefits under Québec legislation, the competent Québec institution proceeds as follows:

(a) It recognizes as a contribution year any calendar year for which the competent Norwegian institution certifies that pension points have been credited under Norwegian legislation, provided that year is included in the contributory period as defined in Québec legislation;

(b) The years recognized under Paragraph a are totalized with the insurance periods completed under Québec legislation, provided they do not overlap.

3. Where entitlement to benefits is acquired pursuant to the totalization prescribed by Paragraph 2, the competent Québec institution determines the amount of the benefit payable as follows:

(a) the amount of the part of the benefit related to earnings is calculated in accordance with the provisions of the Québec legislation;

(b) the amount of the flat rate of the benefit is adjusted in proportion to the period for which contributions have been paid under Québec legislation in relation to the contributory period defined in that legislation.

4. If a person is not entitled to benefits after the totalization prescribed in this Article, the insurance periods completed under the legislation of a third party that has entered into an agreement on social security with each of the Parties containing provisions relating to the totalization of insurance periods are taken into consideration in accordance with the procedures prescribed in this Title.

5. Where it is impossible to determine the calendar year to which an insurance period completed under the legislation of one Party corresponds, that period is presumed not to overlap with an insurance period completed under other legislation.

DIVISION B

NORWEGIAN LEGISLATION

Article 12

Eligibility for Old Age Pensions

1. To be eligible for an old age pension under Norwegian legislation, the insurance periods completed under Québec legislation and Norwegian legislation are, as required, totalized, provided they do not overlap. For eligibility for a basic pension, the insurance period completed under Norwegian legislation may not be less than 12 months. For eligibility for a supplementary pension, pension points must have been credited under Norwegian legislation for at least one calendar year.

2. For the purposes of totalization for eligibility for a basic pension, the competent Norwegian institution considers as an insurance period any period of residence recognized under the Old Age Security Act that applies in the territory of Québec.

Article 13

Calculation of Old Age Pensions

An old age pension is calculated solely in terms of the insurance periods completed and the pension points credited under Norwegian legislation.

Article 14

Eligibility for Disability Pensions

1. To become eligible for a disability pension under Norwegian legislation, the insurance periods completed under Québec legislation and Norwegian legislation are, as required, totalized, provided they do not overlap. For eligibility for a basic pension, the insurance period completed under Norwegian legislation may not be less than twelve months. For eligibility for a supplementary pension, pension points must have been credited under Norwegian legislation for at least one calendar year.

2. The requirements of Norwegian legislation stipulating that the person in question must actually be insured and that a specific insurance period must have been completed before an application for a disability pension is submitted are, as required, considered satisfied where the person in question had completed corresponding insurance periods under the Québec Pension Plan before the disability began.

Article 15

Calculation of Disability Pensions

1. If there is eligibility for a disability pension under Norwegian legislation without resorting to the

Agreement, the disability pension is calculated solely under the provisions of Norwegian legislation.

2. If there is eligibility for a disability pension solely under the provisions of this Agreement, the disability pension in the form of a basic pension (grunnpensjon) is calculated in terms of the insurance periods taken into account under Norwegian legislation. Future insurance periods are taken into account only to the extent corresponding to the relation between actual insurance periods and the full forty-year earning period specified under Norwegian legislation.

3. (a) The provisions of Paragraph 2 of this Article apply in addition to the calculation of supplementary pensions.

(b) Pension points for future years are taken into account only if the requirements of Norwegian legislation are satisfied. The requirements of Norwegian legislation stipulating that pension points must have been credited during a specific period preceding the disability are, as required, considered satisfied by the corresponding insurance periods completed under the Québec Pension Plan.

(c) In respect of pension points for future years, the annual number of pension points taken into account is equal to the average number of pensions points accumulated during the years when pensions points have been credited to a person under Norwegian legislation.

Article 16

Conversion into Old Age Pensions

1. A disability pension is converted into an old age pension in accordance with the provisions of Norwegian legislation when the person in question reaches the usual retirement age.

2. To the extent that future insurance periods or pension points for future years taken into account in calculating an old age pension under Norwegian legislation coincide with corresponding insurance periods taken into account in calculating benefits under the Québec Pension Plan, the latter periods are not taken into consideration in calculating a pension under Norwegian legislation.

Article 17

Survivor's Pensions

1. The provisions of Articles 14, 15 and 16 apply in addition to survivor's pensions.

2. The requirements of Norwegian legislation stipulating that the deceased must have been insured at the time of death and that a specific insurance period must have been completed immediately before death are, as required, considered satisfied where the deceased had completed corresponding insurance periods under the Québec Pension Plan at the time of death.

Article 18

Special Provisions

1. In respect of the reduction of the number of years of pension points required to calculate a full supplementary pension for persons born before 1937, the requirements of Norwegian legislation respecting periods of residence in Norway applicable to persons other than Norwegian nationals continue to apply, notwithstanding the provisions of Article 4.

2. The supplementary pension calculated in terms of such a reduced period is payable solely to persons residing in the territory of Norway or Québec.

3. In respect of the basic pension based on insurance periods completed before January 1, 1967 under Norwegian legislation, the rules of that legislation respecting the taking into account of such periods continue to apply to persons staying or residing in the territory of Québec.

Article 19

Compensation Supplement (kompensasjonstillegg)

The compensation supplement is payable solely to persons residing in the territory of Norway.

Article 20

Basic Benefits, Attendance Benefits and Child-care Benefits

1. Basic benefits (grunnstonad), attendance benefits (hjelpstonad) and child-care benefits (stonad til barnetilsyn) are paid solely under the conditions specified in Norwegian legislation.
2. The provisions of Paragraph 1 of Article 5 do not apply to the benefits referred to in Paragraph 1 of this Article. Those benefits are payable to persons who reside or stay in the territory of Québec in accordance with the conditions specified in Norwegian legislation that apply to Norwegian nationals who reside or stay outside the territory of Norway.

CHAPTER 2

BENEFITS IN THE CASE OF INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 21

Benefits Covered

1. This Chapter applies to any benefits covered by Québec legislation respecting industrial accidents and occupational diseases.
2. This Chapter also applies to any benefits covered by Norwegian legislation respecting occupational accidents and diseases.

Article 22

Residence or Stay in the Territory of the Other Party

A person who is or becomes eligible for benefits under the legislation of one Party and who resides or stays in the territory of the other Party entitled to:

- (a) benefits in kind provided on behalf of the competent institution by the institution of the place of stay or residence in accordance with the provisions of the legislation the latter is applying;
- (b) cash benefits paid by the competent institution in accordance with the provisions of the legislation it is applying.

Article 23

Establishing the Degree of Disability

If the legislation of one Party provides explicitly or implicitly that industrial accidents or occupational diseases previously suffered or ascertained are taken into consideration in assessing the degree of disability, the competent institution of that Party also takes into consideration industrial accidents or occupational diseases previously suffered or ascertained under the legislation of the other Party, as if they had been suffered or ascertained under the legislation it is applying.

Article 24

Calculation of Cash Benefits

The competent institution of one Party whose legislation provides that the amount of cash benefits varies according to family size also takes into consideration the family members of the person in question who reside in the territory of the other Party, as if they resided in its territory.

CHAPTER 3

HEALTH AND MATERNITY BENEFITS

Article 25

Benefits Covered

1. This Chapter applies to any benefits covered by Québec legislation respecting health insurance, hospital insurance and other health services.
2. This Chapter also applies to the medical care prescribed by Chapter 2 of the National Health Insurance Act of Norway.

Article 26

Change of Residence

1. An insured person residing in the territory of one Party and leaving that territory to reside in the territory of the other Party, together with his accompanying dependants, receives the benefits provided by the legislation of the latter Party from the day of arrival.
2. The provisions in the legislation of one Party stipulating that a person may not receive health services if an illness occurred at a time when the person in question was not entitled to health services under the legislation of that Party, do not apply if that person, during the period in question, received health services under the legislation of the other Party.

Article 27

Benefits in the Territory of Place of Stay

An insured person residing in the territory of one Party and staying in the territory of the other Party to work temporarily therein, together with his accompanying dependants, receives the benefits provided by the legislation of the latter Party, from the day of arrival in the territory of that Party.

Article 28

Benefits for Persons on Assignment

A person on assignment referred to in Article 7, together with his accompanying dependants, receives the benefits provided by the legislation of the place of stay.

Article 29

Benefits for Students

Where he is subject to the legislation of one Party and where he is registered full-time at a recognized educational institution in the territory of the other Party, a person, together with his accompanying dependants, receives the benefits covered by the legislation of the latter Party, from the day of arrival in the territory of that Party.

Article 30

Liability for Benefits

The institution providing the benefits referred to in this Chapter bears the cost of those benefits.

TITLE IV

MISCELLANEOUS PROVISIONS

Article 31

Administrative Arrangement

1. The terms and conditions for administering the Agreement are set out in an Administrative Arrangement which must be approved by the authorities designated by the 2 Parties.
2. The liaison agency of each Party is designated in the Administrative Arrangement.

Article 32

Communications

1. The competent authorities and institutions of the 2 Parties may communicate with one another in their official language.
2. A decision or notice of a tribunal or an institution may be sent directly to a person residing in the territory of the other Party.

Article 33

Mutual Assistance

The competent authorities and institutions:

- (a) communicate to one another any information necessary for administering the Agreement;
- (b) provide assistance free of charge with regard to any matter related to the administration of the Agreement;
- (c) forward to one another any information on the steps taken to administer the Agreement or concerning changes made in their respective legislation, insofar as such changes affect the administration of the Agreement;
- (d) inform one another of any difficulties encountered in administering the Agreement and undertake to resolve them to the extent possible.

Article 34

Use of Information

1. For the purposes of this Article, the word «information» means any information containing the name of a person or from which the identity of a person can easily established.
2. Unless disclosure is required under the legislation of one Party, any information communicated under this Agreement is confidential and may be used solely for the purposes of administering the Agreement and the legislation to which it applies.
3. Access to a file containing information is subject to the legislation of the Party in possession of the file.

Article 35

Method of Payment

All cash benefits are payable directly to beneficiaries in the currency of the paying Party, without deductions for administrative charges, transfer fees or any other expense that may be incurred in the payment of those benefits.

Article 36

Exemption from Charges and Endorsement in Respect of Documents

1. Any reduction or exemption from charges prescribed by the legislation of one Party respecting the issuing of a certificate or document required for the purposes of that legislation is extended to certificates and documents required for the purposes of the legislation of the other Party.

2. Any deed or document submitted for administering the Agreement is exempted from endorsement of authentication by diplomatic or consular authorities and from any similar form of procedure.

Article 37

Application for Benefits

1. To receive benefits under the Agreement, a person must submit an application in accordance with the procedures prescribed by the Administrative Arrangement.

2. An application for benefits submitted under the legislation of one Party is deemed to be an application for similar benefits under the legislation of the other Party if the person:

(a) indicates his intention that his application be considered an application under the legislation of the other Party; or

(b) indicates, when applying, that he has already completed insurance periods under the legislation of the other Party.

3. The presumption of the preceding paragraph does not prevent a person from requesting that his application for benefits under the legislation of the other Party be deferred.

Article 38

Application Period

1. An application, a statement or an appeal that must, under the legislation of one Party, be submitted within a fixed period to the authority or institution of that Party is receivable if submitted within the same period to the corresponding authority or institution of the other Party. In that case, the authority or institution of the latter Party immediately forwards the application, statement or appeal to the authority or institution of the first Party.

2. The date on which that application, statement or appeal is submitted to the authority or institution of one Party is considered the date of submission to the authority or institution of the other Party.

Article 39

Expert Appraisals

1. The expert appraisals required under the legislation of one Party may be submitted, at the request of the competent institution, in the territory of the other Party, by the institution of the place of stay or residence of the person receiving or applying for benefits.

2. The expert appraisals referred to in Paragraph 1 may not be invalidated solely by reason of having been made in the territory of the other Party.

Article 40

Reimbursement between Institutions

1. The competent institution of one Party is bound to reimburse the amount of benefits paid on its behalf by the competent institution of the other Party.

2. The competent institution of one Party is bound to reimburse to the competent institution of the other Party the cost of professional fees related to each expert appraisal made in accordance with Article 39. Notwithstanding the foregoing, the forwarding of medical or other information already in the possession of

competent institutions is an integral part of administrative assistance and is carried out free of charge.

3. The Administrative Arrangement sets out the procedures by which the costs referred to in Paragraphs 1 and 2 are reimbursed.

4. The contracting Parties specify in the Administrative Arrangement, as the case may be, whether they waive, wholly or in part, the reimbursement of those costs.

Article 41

Disputes

The competent authorities of the 2 Parties undertake to resolve, to the extent possible, any difficulty that may arise in interpreting or administering this Agreement, in accordance with its spirit and fundamental principles.

TITLE V

TRANSITIONAL AND FINAL PROVISIONS

Article 42

Transitional Provisions

1 The Agreement does not establish entitlement to benefits for a period prior to the date on which it comes into force.

2. Any insurance period completed before the coming into force of the Agreement must be taken into consideration in determining entitlement to benefits under the Agreement.

3. Subject to the provisions of Paragraph 1, benefits other than death benefits are payable under the Agreement even if they relate to an event that occurred prior to the date of its coming into force.

4. Unless otherwise provided in this Agreement, benefits that have been suspended because the person in question resides in the territory of the other Party are, on application by that person, awarded or restored from the date of coming into force of this Agreement.

5. Benefits that were awarded before the coming into force of this Agreement are, on application by the person in question, recalculated in accordance with the provisions of this Agreement. The recalculation of such benefits may also be carried out by the competent authority or institution of one Party without an application having been submitted. Such a recalculation may not result in reducing the benefits.

6. In the case of an application filed with 2 years of the date of coming into force of the Agreement, the rights consequent upon the Agreement are acquired from that date, or from the date of the event establishing entitlement to benefits if it occurred later, notwithstanding the provisions of the legislation of the 2 Parties in regard to the prescription of rights.

7. The 36 month period referred to in Article 7 runs from the date of coming into force of the Agreement for persons already on assignment on that date.

Article 43

Coming into Force

1. Each Party shall advise the other when the internal procedures required for the coming into force of the Agreement have been completed.

2. The Agreement is entered into for an indeterminate period from the date of its coming into force, which is fixed by exchange of letters between the Parties. It may be terminated by one of the Parties by notice in writing to the other Party. The Agreement ends on the 31st of December following the date of notification by at least 12 months.

3. In the case of termination, any right acquired by a person under the provisions of the Agreement will be maintained and negotiations will be undertaken to decide on the rights in the process of being acquired under the Agreement.

Made at Québec this 29th day of October 1987, in duplicate, in French and in Norwegian, both texts being equally authentic.

For the Gouvernement

du Québec

GIL RÉMILLARD

For the Government of

the Kingdom of Norway

PER MARTIN OLBERG

O.C. 1743-87, Sch. I.

SCHEDULE II

(s. 2)

ADMINISTRATIVE ARRANGEMENT TO THE AGREEMENT ON SOCIAL SECURITY BETWEEN QUÉBEC AND NORWAY

In accordance with Article 31 of the Agreement on Social Security between Québec and Norway, signed on 29 October 1987, the authorities designated by each Party:

For Norway, the Ministry of Health and Social Affairs

For Québec,

Have agreed to the following provisions:

TITLE I

DEFINITIONS AND GENERAL PROVISIONS

Article 1

Definitions

1. For the purposes of the Administrative Arrangement, «Agreement» means the Agreement on social Security between Québec and Norway, signed on 29 October 1987.
2. Any other term has the meaning assigned to it in the Agreement.

Article 2

Liaison Agencies

In accordance with the provisions of Paragraph 2 of Article 31 of the Agreement, the following are designated liaison agencies:

(a) for Norway, the National Insurance Administration (Rikstrygdeverket);

(b) for Québec, Secrétariat de l'administration des Ententes de sécurité sociale, or any other agency the competent Québec authority may subsequently designate.

TITLE II

PROVISIONS RESPECTING APPLICABLE LEGISLATION

Article 3

Workers on Assignment

1. In the case of an assignment under Article 7 of the Agreement, the institution of the Party whose legislation applies and that is referred to in Paragraph 2 or 3 issues, at the request of the employer or the employee, a certificate for a specified period of time attesting, in respect of the employment in question, that the employee is subject to that legislation. The certificate shall be issued in the approved form.
2. Where Norwegian legislation applies, the certificate referred to in Paragraph 1 is issued by the Office of National Insurance for Social Insurance Abroad (folketrygdkontoret for utenlandssaker) and forwarded to the Québec liaison agency.
3. Where Québec legislation applies, the certificate referred to in Paragraph 1 is issued by the Québec liaison agency and forwarded to the local insurance office (det lokale trygdekontor) in the manner described on the certificate.
4. A copy of the certificate is sent to the employee and the employer in question.

Article 4

Government Employment

1. Where a person is employed in the territory of Norway and chooses to be subject to Norwegian legislation in accordance with Article 9 of the Agreement, the employer so informs the Oslo Insurance Office (Oslo trygdekontor).
2. Where a person is employed in the territory of Québec and chooses to be subject to Québec legislation in accordance with Article 9 of the Agreement, the employer so informs the Québec liaison agency.

TITLE III

PROVISIONS RESPECTING BENEFITS

Article 5

Definition of Institution

For the purposes of this Title, «institution» means, in respect of Norway, the Office of National Insurance for Social Insurance Abroad (Folketrygdkontoret for utenlandssaker) and in respect of Québec, the competent institution.

Article 6

Processing Application for Retirement Benefits, Disability Benefits and Survivor's Benefits

1. An application for benefits covered by Chapter 1 of Title III of the Agreement may be submitted to the liaison agency or the institution of either Party.
2. The liaison agency or institution of the Party that receives an application for benefits payable by the

other Party immediately forwards that application together with supporting documents to the institution of the other Party and indicates the date the application was received.

3. Any information relating to civil status entered on the application form referred to in the preceding Paragraph is certified by the liaison agency or the institution forwarding the application, which exempts it from having to forward supporting documents.

4. In addition to the application, the agency or institution of the first Party forwards to the institution of the other Party a liaison form that indicates, in particular, the insurance periods completed under the legislation of the first Party.

5. On receipt of the liaison form, the institution of one Party, where required by the institution of the other Party, indicates the insurance periods completed under the legislation it administers and returns the liaison form to the institution of the latter Party.

6. As soon as it has made a decision under the legislation it is applying, an institution so advises the person applying and informs him of the means and time limits for appeal prescribed by that legislation; it in addition so advises the liaison agency or the other Party by using the liaison form.

Article 7

Benefits of the Institution of One Party Paid in the Territory of the Other Party Following an Industrial Accident or Occupational Disease

1. A person referred to in Article 22 of the Agreement who, after having become eligible to receive benefits under the legislation of one Party, stays or transfers his residence to the territory of the other Party, is bound to submit to the institution of the place of stay or residence an attestation certifying that he is authorized to maintain entitlement to his benefits in kind.

2. The attestation referred to in the preceding Paragraph is issued by the institution and indicates in particular, as the case may be, the maximum period of time during which benefits in kind may still be provided, in accordance with the provisions of the legislation applicable by the institution. Where it could not be issued before departure, the attestation may be issued thereafter and at the request of the person in question or the institution of the place of stay or residence.

3. Where a benefit becomes payable under the legislation of one Party on behalf of a person referred to in Article 22 of the Agreement who stays or resides in the territory of the other Party, the institution of the latter Party institutes administrative review as soon as possible and, if required, medical verification as if it were dealing with its own insured person. The report establishing the result of the administrative review and, as the case may be, the report of the verifying physician, which indicates in particular the probable duration of work disability, is forwarded immediately by the institution of the place of stay or residence to the institution for decision.

4. Pending the decision of the institution referred to in the preceding Paragraph, the institution of the place of stay or residence may provide benefits in kind, to be borne by the institution, if it is of the opinion that the application for benefits appears well founded.

5. The institution of the place of stay or residence advises the institution beforehand, by a means of rapid communication and through the liaison agency, of any decision relating to the providing of benefits in kind of great importance or of an unusual nature. The institution has 30 days, as the case may be, to notify its objection with reasons; the institution of the place of stay or residence shall provide that benefit in kind if it has not received an objection at the expiry of that period. If such benefits in kind must be provided urgently, the institution of the place of stay or residence so advises the institution immediately.

6. The person is bound to inform the institution of the place of stay or residence of any change in his situation likely to alter entitlement to benefits in kind, in particular, any transfer of residence or change in place of stay. The institution shall in addition inform the institution of the place of stay or residence of the cessation of affiliation or the termination of entitlement of the person in question to benefits in kind. The institution of the place of stay or residence may at any time request that the institution provide any information relating to the affiliation or entitlement of any person to benefits in kind.

Article 8

Health or Maternity Benefits in the Territory of Québec

1. To receive health or maternity benefits in the territory of Québec, a person referred to in Articles 26 to 29 of the Agreement must, together with each of his accompanying dependants, register with the Régie de l'assurance maladie du Québec using the registration form provided for that purpose.

2. When submitting his registration and that of each accompanying dependant, a person must also submit:

(a) an attestation issued by the Norwegian institution certifying his entitlement to benefits and a certificate of acceptance for work issued by the Ministère des Communautés culturelles et de l'Immigration du Québec, if he is a person on a temporary stay referred to in Article 27;

(b) a certificate of coverage issued by the Norwegian institution and a certificate of acceptance for work issued by the Ministère des Communautés culturelles et de l'Immigration du Québec, if he is a person on assignment referred to in Article 28;

(c) an attestation issued by the Norwegian institution or agency responsible for financing studies certifying his entitlement to benefits, a certificate of acceptance for study issued by the Ministère des Communautés culturelles et de l'Immigration du Québec, and an attestation of his registration as a full-time student at a collegiate or university educational institution recognized by the department responsible for higher education in Québec, if he is a student referred to in Article 29.

Article 9

Health or Maternity Benefits in Kind in the Territory of Norway

To receive health or maternity benefits in the territory of Norway, a person referred to in Articles 26 to 29 must submit:

(a) an attestation issued by the Régie de l'assurance maladie du Québec certifying his eligibility for benefits, in the case of a person on a temporary stay referred to in Article 27;

(b) a certificate of coverage issued by the Québec liaison agency, in the case of a person on assignment referred to in Article 28;

(c) an attestation issued by the Régie de l'assurance maladie du Québec certifying his eligibility for benefits and a student identification card issued by the Norwegian institution of higher education at which he is registered, in the case of a student referred to in Article 29.

TITLE IV

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Article 10

Procedures and Forms

The Norwegian liaison agency and the Québec liaison agency and competent institution will agree on the procedures and forms required to implement the Agreement and its Administrative Arrangement.

Article 11

Statistics

The liaison agencies of the Parties exchange statistics respecting payments made under the Agreement, on an annual basis and in the form agreed to.

Article 12

Reimbursement between Institutions

For the purposes of Article 40 of the Agreement, at the end of each calendar year, where the competent institution of one Party has paid benefits or had expert appraisals made on behalf of or chargeable to the competent institution of the other Party, the liaison agency of the first Party forwards to the liaison agency of the other Party a statement of the benefits provided or fees related to the expert appraisals made during the fiscal period in question, indicating the amount owing. The statement is accompanied by supporting documents.

Article 13

Coming into Force

The Administrative Arrangement comes into force on the same date as the Agreement and for the same duration.

Made at Québec, in French and in Norwegian, both texts being equally authentic.

For Québec

GIL RÉMILLARD

For Norway

PER MARTIN OLBERG

O.C. 1743-87, Sch. II.

REFERENCES

O.C. 1743-87, 1987 G.O. 2, 4087

O.C. 2024-87, 1988 G.O. 2, 54

S.Q. 2010, c. 31, s. 91