

For the Government of the
Grand Duchy of Luxembourg
BENNY BERG
O.C. 1920-89, Sch. I.

SCHEDULE II

(s. 2)

ADMINISTRATIVE ARRANGEMENT ON SOCIAL SECURITY BETWEEN QUÉBEC AND LUXEMBOURG

Taking into consideration Article 29 of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Grand Duchy of Luxembourg, the following provisions have been agreed to:

ARTICLE 1

DEFINITIONS

For the purposes of this Administrative Arrangement:

- (a) the term «Agreement» means the Agreement on Social Security between the Gouvernement du Québec and the Government of the Grand Duchy of Luxembourg;
- (b) any other term has the meaning assigned to it in Article 1 of the Agreement.

Article 2

LIAISON AGENCIES

In accordance with the provisions of Paragraph 2 of Article 29 of the Agreement, the liaison agencies designated by each of the Parties are:

- (a) for Québec, the Secrétariat de l'administration des Ententes de sécurité sociale or any other agency the competent Québec authority may subsequently designate;
- (b) for Luxembourg, the general inspection of social security.

ARTICLE 3

CERTIFICATE OF COVERAGE

1. In the cases referred to in Article 7 of the Agreement, a certificate of coverage is issued by the liaison agency of the Party whose legislation applies.
2. The agency that issues the certificate of coverage sends a copy of that certificate to the liaison agency of the other Party, to the person on assignment and to his employer.

ARTICLE 4

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 competent agency of either Party.
2. Any application for benefits is deemed to have been received by the institution of a Party on the date it was initially received in compliance with the Agreement.

3. The competent institutions of both Parties are bound to inform one another reciprocally and immediately in respect of applications for benefits.
4. For the purposes of the preceding Paragraph, the institution to which the application has been submitted informs the liaison agency of the other Party of the application by means of a form established for that purpose. The form contains the data agreed to by the liaison agencies of both Parties that is required for the fixing of benefits by the other Party as well as a statement of the insurance periods completed under the legislation of the first Party by the person submitting the application.
5. The forwarding of the form is equivalent to the forwarding of supporting documents, unless it has been otherwise agreed by the liaison agencies.
6. The liaison agency of the second Party forwards the form to the competent institution of that Party which completes the form by indicating the insurance periods completed under the legislation it is applying and returns it to the competent institution of the first Party.
7. Each competent institution subsequently determines the amount of the benefits the person may claim.
8. The competent institutions communicate to one another the decisions made in respect of applications for benefits.
9. Notwithstanding Paragraph 1, an application submitted to the liaison agency of Québec is receivable in the same way as an application submitted to a competent institution and the provisions of this Article apply by analogy.

ARTICLE 5

BENEFITS IN THE CASE OF RESIDENCE OR STAY IN THE TERRITORY OF A CONTRACTING PARTY OTHER THAN THE COMPETENT PARTY

1. To receive benefits in kind under Article 17, Paragraph *a* of the Agreement, the victim of an industrial accident or occupational disease is bound to submit an attestation certifying that he is entitled to benefits in kind, to the institution of the place of residence or stay.
2. The attestation referred to in the preceding Paragraph is issued by the competent institution. If the person in question does not submit an attestation, the institution of the place of residence or stay applies to the competent institution to obtain it. The attestation remains valid until such time as the institution of the place of residence or stay receives notification of its cancellation.
3. The institution of the place of residence or stay gives prior notice to the competent institution of any decision relating to the awarding of benefits in kind of great importance or of an unusual nature. The competent institution has thirty days from the sending of that notice to give notice, as the case may be, of its objection, with reasons; the institution of the place of residence or stay awards the benefits in kind if it has not received objection at the expiry of that period. If such benefits in kind must be awarded urgently, the institution of the place of residence or stay so informs the competent institution immediately.
4. A person is bound to inform the institution of the place of residence or stay of any change in his situation likely to change entitlement to benefits in kind, in particular any transfer of residence or place of stay.

The competent institution in addition informs the institution of the place of residence or stay 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 residence or stay may at any time request that the competent institution provide it with any information relating to the affiliation or entitlement of any person to benefits in kind.

5. To receive benefits in kind under Article 17, Paragraph *b* of the Agreement, the victim of an industrial accident or occupational disease is bound to apply to the institution of the place of residence or stay by submitting a certificate of work disability issued by the attending physician.

6. The institution of the place of residence or stay institutes medical verification of the person in question as soon as possible, as if it were dealing with its own insured person. The report of the assessing physician, which indicates in particular the probable duration of work disability, is forwarded by the institution of the place of residence or stay to the competent institution as soon as possible.

7. The institution of the place of residence or stay subsequently initiates administrative review or medical verification of the person in question as if it were dealing with its own insured person. When it ascertains that the person in question is fit to begin work again, it so notifies him and the competent institution immediately, indicating the date on which the work disability ends.

ARTICLE 6

BENEFITS FOR OCCUPATIONAL DISEASES CONTRACTED IN THE TERRITORY OF BOTH PARTIES

1. For the purposes of Article 18 of the Agreement, the declaration of the occupational disease and the application for benefits must be submitted to the institution of the place of stay or residence within the periods fixed by the legislation that institution is applying. The latter forwards a copy of the declaration and the application to the institution of the other Party.

2. The institution of the place of stay or residence initiates the administrative review and medical verification required by its legislation as soon as possible.

3. If the institution of the place of residence or stay ascertains that an activity likely to cause the occupational disease in question was last carried on under the legislation of the other Party, it immediately forwards the file to the institution of that Party, for decision. The file must contain, in particular, the reports ascertaining the results of any medical verification.

4. Where the institution of the Party under whose legislation the victim last carried on an activity likely to cause the occupational disease in question ascertains that the person in question does not meet the conditions of that legislation, taking into account the provisions of Paragraphs 2 to 4 of Article 18 of the Agreement, it notifies the person in question of its decision of refusal, indicating the grounds for the refusal of benefits as well as the means and periods of appeal. At the same time, it forwards the file to the institution of the place of stay or residence together with a copy of its decision of refusal. In that case, the institution of the place of stay or residence, taking into account the decision of refusal, decides whether there is entitlement under its own legislation.

5. If the institution of the place of stay or residence in the case referred to in Paragraph 4, decides that entitlement to benefits is established under the legislation it is applying, where there is a right of appeal from the decision of refusal previously made by the institution of the other Party, the latter institution reimburses to the institution of the place of stay or residence its share of the amount of the benefits covered if, consequent to an appeal, it is bound to award benefits.

ARTICLE 7

AGGRAVATION OF COMPENSATED OCCUPATIONAL DISEASES

1. In the case referred to in Article 19, Paragraph 1 *b* of the Agreement, the person in question must provide the institution of the Party to which it asserts its entitlement to benefits any information relating to benefits previously awarded for the occupational disease in question. That institution may apply to the institution of the other Party that was previously the competent institution to obtain the information it requires.

2. In the case referred to in Article 19, Paragraph 2 *a* of the Agreement, the competent institution for the payment of benefits notifies the institution of the other Party, for agreement, of any changes made to the previous apportionment of charges, with appropriate proof.

ARTICLE 8

LIABILITY FOR BENEFITS

1. The apportionment of liability for benefits covered by Articles 18 and 19 of the Agreement is made by

the institution paying the benefits.

2. For the purposes of that apportionment, the institution referred to in Paragraph 1 may require of the person in question and the institution of the other Party any information and document relating to employment held by that person in the territory of either Party.

3. The apportionment is ascertained on a form that the institution referred to in Paragraph 1 forwards, for agreement, to the institution of the other Party.

4. At the end of each calendar year, the competent institution for the payment of benefits forwards to the institution of the other Party a statement of benefits paid during the fiscal period in question, indicating the amount payable by it in accordance with the apportionment covered by Paragraph 3; the institution of the latter Party reimburses the amount payable to the institution of the first Party as soon as possible and not later than three months thereafter.

ARTICLE 9

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 24, 25, 26 and 27 of the Agreement, together with each of his accompanying dependants, must register with the Régie de l'assurance maladie du Québec by using the registration form provided for that purpose.

2. When submitting his registration and that of each accompanying dependant:

(a) a person on assignment referred to in Article 26 must also submit a certificate of coverage issued by the liaison agency of Luxembourg and a certificate of acceptance for work issued by the Ministère des Communautés culturelles et de l'Immigration du Québec;

(b) a student referred to in Article 27 must also submit an attestation issued by the competent health agency of Luxembourg certifying his entitlement to benefits, a certificate of acceptance for study issued by the Ministère des Communautés culturelles et de l'Immigration and an attestation of his registration as a full-time student at a collegiate or university educational institution recognized by the Québec department responsible for higher education.

ARTICLE 10

HEALTH OR MATERNITY BENEFITS IN THE TERRITORY OF LUXEMBOURG

1. To receive health or maternity benefits in the territory of Luxembourg, a person referred to in Paragraph 2 of Article 24 or in Paragraph 2 of Article 25 of the Agreement must submit, to the Caisse nationale d'assurance maladie des ouvriers, an application for eligibility to continued insurance within three weeks following the transfer of residence or following the awarding of cash benefits under Québec legislation.

2. To receive health or maternity benefits in the territory of Luxembourg, a person referred to in Articles 26 or 27 of the Agreement, together with the members of his family accompanying him, must register with the Caisse nationale d'assurance maladie des ouvriers by submitting an attestation certifying that he is entitled to benefits in kind for himself and the members of his family. That attestation is issued by the liaison agency of Québec, as if it were a person referred to in Article 26, and by the Régie de l'assurance maladie du Québec, as if it were a person referred to in Article 27.

ARTICLE 11

VALIDITY OF ATTESTATIONS

The agency that issues an attestation certifying a person's entitlement to health or maternity benefits must indicate thereon the period of validity of the attestation.

ARTICLE 12

REIMBURSEMENT BETWEEN INSTITUTIONS

For the purposes of Article 37 of the Agreement, at the end of each calendar year, where the competent institution of one Party has provided benefits or had expert appraisals made on behalf of or chargeable to the competent institution of the other Party, the institution of the first Party forwards to the institution of the other Party, directly or through the liaison agencies, an individual statement of the benefits awarded or fees related to the expert appraisals made during the fiscal period in question, indicating the amount payable.

ARTICLE 13

FORMS

Any form or other document required to implement the procedures set out in the Administrative Arrangement is established in common agreement by the liaison agency of Luxembourg and by the competent institutions and the liaison agency of Québec.

ARTICLE 14

STATISTICS

The liaison agencies of both Parties exchange statistics respecting payments made to beneficiaries under the Agreement, on an annual basis and in the form agreed to. Those statistics include the number of beneficiaries and the total amount of benefits, by category of benefits.

ARTICLE 15

COMING INTO FORCE AND TERMINATION

The Administrative Arrangement comes into force on the same date as the Agreement. Termination of the Agreement has the effect of terminating the Administrative Arrangement.

Made at Québec this 22 day of September 1987, in duplicate.

For the Gouvernement du

Québec

GIL RÉMILLARD

For the Government of the

Grand Duchy of Luxembourg

BENNY BERG

O.C. 1920-89, Sch. II.

REFERENCES

O.C. 1920-89, 1990 G.O. 2, 13

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