

legislation.

4. The spouse and children accompanying a detached person in Switzerland within the meaning of Article 7 shall be exempted from coverage under Swiss legislation in so far as they are not pursuing gainful employment in Switzerland.

5. The spouse and children accompanying a detached person in Québec within the meaning of Article 7 shall remain insured under Swiss legislation in so far as they are not pursuing gainful employment in Québec.

6. Québec nationals residing in Switzerland who leave Switzerland for a period not exceeding two months shall not interrupt their residence in Switzerland within the meaning of Article 11, paragraph 2.

7. Québec nationals not domiciled in Switzerland who have had to forsake gainful employment in that country because of an accident or illness and who benefit from Swiss Disability Insurance rehabilitation measures or who live in Switzerland until the settlement of the insured contingency shall be considered insured under Swiss legislation for entitlement to benefits under Disability Insurance. Such persons shall be required to pay contributions to Old Age, Survivors and Disability Insurance as if they were domiciled in Switzerland.

8. With respect to Article 13, the duration of residence in Switzerland of a Québec national shall be considered as uninterrupted by a sojourn outside the territory of Switzerland for a period not exceeding three months within a calendar year. However, a period of residence in Switzerland during which a Québec national has been exempt from coverage to Swiss Old Age, Survivors and Disability Insurance shall not be considered a period of residence for purposes of Article 13.

9. The refund of contributions paid under Swiss legislation, carried out in accordance with the provisions of Swiss legislation on the refund of contributions to foreigners and stateless persons, shall not bar the payment of extraordinary pensions in accordance with Article 13. In such cases, however, the amount of contributions refunded shall be charged against benefits to be paid.

Done in duplicate at Montréal, this 25th day of February, 1994, in the French language.

FOR THE GOUVERNEMENT DU QUÉBEC

Violette Trépanier

FOR THE SWISS FEDERAL COUNCIL

(Illegible)

O.C. 918-95, Sch. II.

SCHEDULE III

(s. 2)

AMINISTRATIVE ARRANGEMENT FOR THE

IMPLEMENTATION OF THE UNDERSTANDING

ON SOCIAL SECURITY BETWEEN THE

GOUVERNEMENT DU QUÉBEC AND THE SWISS

CONFEDERATION

PURSUANT TO article 15, paragraph a, of the Understanding on social security between Québec and the Swiss Confederation, concluded on 25 February 1994, hereinafter referred to as «the Understanding», the Gouvernement du Québec and the competent Swiss authority, namely the Federal social insurance office (Office fédéral des assurances sociales),

HAVE AGREED ON THE FOLLOWING PROVISIONS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Terms used in this Administrative Arrangement shall have the same meaning as in the Understanding.

Article 2

The following are designated as liaison agencies, pursuant to Article 15, paragraph a of the Understanding.

- for Switzerland:

the Swiss compensation fund (Caisse suisse de compensation), in Geneva, hereinafter referred to as «the Swiss Fund»;

- for Québec:

the Direction de l'administration des ententes de sécurité sociale of the Ministère des Communautés culturelles et de l'Immigration or any other agency subsequently designated by the competent authority of Québec.

Article 3

The competent authorities of both Parties or, with their consent, the liaison agencies, shall agree upon administrative measures and forms necessary for the implementation of the Understanding and of this Administrative Arrangement.

CHAPTER 2

PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 4

(1) In cases where Article 7, paragraph 1, of the Understanding applies, the agency of the Party whose legislation is applicable shall issue, upon request, a certificate stating that the concerned person remains subject to that legislation.

- (2) The certificate referred to in paragraph 1 shall be issued

- in Switzerland:

by the competent compensation fund of the Old Age and Survivors Insurance

- in Québec:

by the liaison agency.

(3) Requests for an extension of a detachment shall be submitted to the competent authority of the Party from whose territory the person is sent. The competent authorities shall communicate their decisions to the concerned agencies of their country.

CHAPTER 3

PROVISIONS CONCERNING BENEFITS

Article 5

(1) The liaison agency of one Party which receives an application for a benefit under the legislation of the other Party will send that application form to the liaison agency of the other Party.

(2) The personal information regarding an individual contained in the application form will be duly certified by the liaison agency of the first Party which will confirm that the information is corroborated by documentary evidence; the transmission of the application form so certified will exempt the liaison agency from sending the corroboratory documents. The type of information to which this paragraph applies will be agreed upon by the liaison agencies of both Parties with the consent of the respective competent authorities.

(3) Upon request from the Québec liaison agency, the Swiss liaison agency shall forward the latter a statement indicating the periods of insurance completed under Swiss legislation.

(4) As soon as the rights of the applicant have been determined, the agency of the Party whose legislation is applicable shall notify the applicant of its decision.

Article 6

In the application of Article 19 of the Understanding, the agency of the Party which receives an application for benefits under the legislation it administers, will, if possible, advise the applicant of his or her possible entitlement to benefits under the legislation of the other Party.

CHAPTER 4

MISCELLANEOUS PROVISIONS

Article 7

The liaison agencies of both Parties will exchange statistics on the payments made to beneficiaries under the Understanding for each calendar year. These statistics will include data on the number of beneficiaries and the total amount of benefits paid, by type of benefit.

Article 8

(1) Upon request, the liaison agency of one Party will provide, free of charge to the liaison agency of the other Party, such medical information and documentation as are available concerning the disability of a claimant or beneficiary.

(2) If the institution of one Party requests that a claimant or a beneficiary undergo a medical examination, this examination, at the request of the institution of that Party, will be arranged by the institution of the other Party on whose territory the person is residing, according to the rules applied by the institution making the said arrangements and at the expense of the institution which requests the medical examination.

(3) the expenses incurred as a result of the application of paragraph 2 will be reimbursed at the end of each calendar year on receipt of a detailed statement and the corroboratory documents of the costs incurred.

Article 9

This Administrative Arrangement comes into force on the same date as the Understanding and will have the same term.

Done in duplicate at Montréal, this 25th day of February, 1994, in the French language.

FOR THE GOUVERNEMENT DU QUÉBEC

Violette Trépanier

FOR THE SWISS FEDERAL COUNCIL

(Illegible)

O.C. 918-95, Sch. III.

REFERENCES

O.C. 918-95, 1995 G.O. 2, 1984

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