

(e) benefits granted before the date of coming into force of the Agreement shall be revised, at the request of the person involved. They may also be revised by the competent institution. If the revision leads to benefits that are lower than the benefits paid before the coming into force of the Agreement, the amount of benefits previously paid shall be maintained ;

(f) if the request referred to in subparagraphs *d* and *e* is filed within two years of the date of coming into force of the Agreement, rights arising from the Agreement shall be acquired from that date, notwithstanding the provisions of the statutes of both Parties relative to the forfeiture of rights ;

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

(3) For the purposes of Article 8, a person already detached at the date of coming into force of the Agreement shall be deemed to have become detached on that date.

ARTICLE 29

COMING INTO FORCE AND DENUNCIATION

(1) The Parties shall notify one another when their respective internal procedures required for the coming into force of the Agreement have been completed.

(2) The Agreement is entered into for an indefinite term from the date of its coming into force, which is determined by an exchange of letters between the contracting Parties. It may be denounced by either Party giving notice to the other Party. The Agreement expires on the 31st day of December which follows the date of notification by at least 12 months.

(3) If the Agreement is terminated, all rights acquired by a person under the provisions of the Agreement shall be maintained, and negotiations shall be undertaken to settle any rights in the process of being acquired under these provisions.

Done at Québec on 21 November 2000, in two copies, in the French and Turkish languages, both texts being equally authentic.

For the Gouvernement
du Québec

For the Government of
the Republic of Turkey

LOUISE BEAUDOIN,
Minister of International
Relations

ERHAN ÖG,
*Ambassador of the
Republic of Turkey*

O.C. 738-2004.

SCHEDULE II

(s. 2)

ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY

CONSIDERING Article 17 of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Turkey, signed at Québec on 21 November 2000 ;

CONSIDERING the desire of both Governments to implement the Agreement ;

THE COMPETENT AUTHORITIES OF EACH OF THE PARTIES HAVE AGREED AS FOLLOWS :

ARTICLE 1

DEFINITIONS

In this Administrative Arrangement,

- (a) the term "Agreement" shall mean the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Turkey, signed at Québec on 21 November 2000 ; and
- (b) all other terms shall have the meaning given to them in Article 1 of the Agreement.

ARTICLE 2

LIAISON AGENCIES

In accordance with the provisions of paragraph 2 of Article 17 of the Agreement, the liaison agencies designated by each of the Parties shall be,

- (1) as regards Québec, the Direction des équivalences et des ententes de sécurité sociale of the Ministère des Relations avec les citoyens et de l'Immigration or any other body that the competent authority of Québec may subsequently designate ;
- (2) as regards Turkey,
 - (a) with respect to the application of the statutes on social security and the application of the statutes on funds subject to the transitional Article 20 of the Social Insurance Act, No. 506 and the statutes concerning social insurance of agricultural wage earners : the General Directorate of the Social Insurance Institution (SSK), at Ankara ;
 - (b) with respect to the application of the statutes of the Republic of Turkey Civil Servants Pension Fund : the General Directorate of the Civil Servants Pension Fund of the Republic of Turkey (T.C. Emekli Sandığı), AT Ankara ; and
 - (c) with respect to the application of the statutes on social insurance concerning self-employed workers, including agricultural self-employed workers : the General Directorate of Bag-Kur, at Ankara.

ARTICLE 3

CERTIFICATE OF COVERAGE

- (1) For the purposes of Articles 7 to 11 of the Agreement, where a person remains subject to the statutes of one Party while working in the territory of the other Party, a certificate of coverage is issued
 - (a) by the Québec liaison agency, when the person remains subject to the statutes of Québec ; and
 - (b) by the competent Turkish liaison agency, when the person remains subject to the statutes of Turkey.
- (2) For the purposes of Article 8 of the Agreement, where an employer detaches an employee for a period exceeding the 60-month period provided for, the application for the certificate of coverage for that extension must be filed with the liaison agency involved three months before the end of the 60-month period.
- (3) The liaison agency issuing the certificate of coverage shall send a copy of that certificate to the other liaison agency referred to in paragraph 1, to the person involved and, where applicable, to the person's employer.

ARTICLE 4

RETIREMENT, DISABILITY AND SURVIVORS' BENEFITS

- (1) For the purposes of Title III of the Agreement, a claim for a benefit under the Agreement may be filed with the liaison agency of either Party, or with the competent authority of the Party whose statutes apply.
- (2) When the claim for a benefit referred to in paragraph 1 is filed with a liaison agency, that agency shall send as soon as possible the claim along with the required supporting documents to the competent institution of the Party whose statutes are applicable.
- (3) When the claim for a benefit referred to in paragraph 2 of Article 18 of the Agreement is received by the competent institution of one Party, that institution shall forward the claim to the liaison agency of the same Party. The liaison agency shall send the claim along with the required supporting documents to the competent institution of the other Party.
- (4) Any information on civil status appearing on a claim form shall be certified by the liaison agency forwarding the claim, which shall exempt the agency from having to forward the supporting documents.
- (5) Any original document or its copy shall be kept by the liaison agency with which it was originally filed and a copy shall be made available to the competent institution of the other Party, on request.
- (6) A liaison form shall accompany the claim and the supporting documents referred to in this Article.
- (7) If so requested by the competent institution or by the liaison agency of one Party, the liaison agency or the competent institution of the other Party shall indicate, on the liaison form, the periods of insurance recognized under the statutes it administers.
- (8) As soon as a decision regarding a claim has been made pursuant to the statutes it administers, the competent institution shall notify the claimant and inform the claimant about recourses and time limits for such recourse prescribed by such statutes ; the competent institution shall also inform the liaison agency of the other Party of the decision using the liaison form.

ARTICLE 5

REIMBURSEMENT BETWEEN INSTITUTIONS

- (1) A statement of the expenses incurred by one of the Parties on behalf of the other Party pursuant to Article 25 of the Agreement shall be submitted to the competent institution of the other contracting Party with all supporting documents at the end of each calendar year.
- (2) The competent institution of one Party shall reimburse within three months the total of the expenses claimed by the competent institution of the other contracting Party.

ARTICLE 6

FORMS

Any form or document necessary to implement the procedures provided in the Administrative Arrangement shall be determined by common agreement by the competent institutions and the liaison agencies of each of the Parties.

ARTICLE 7

STATISTICS

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

ARTICLE 8

ARBITRATION COMMISSION

The arbitration commission referred to in Article 27 of the Agreement is composed as follows :

(1) Each contracting Party shall appoint an arbitrator within one month from receiving the request concerning the settlement of the dispute by the commission. Both arbitrators shall appoint within two months of their appointment a national of a third State to act as the third arbitrator.

(2) Where one Party fails to appoint an arbitrator within the stipulated time period, the other Party may request that the President of the European Court of Human Rights appoint an arbitrator. In the case where the first two arbitrators do not agree with the appointment of the third arbitrator, the matter may be referred to the European Court of Human Rights.

(3) The arbitration commission shall decide by a majority of votes. Its decision shall be binding and final for both Parties. Each contracting Party shall pay the expenses of the activities of the member representing it. All other expenses shall be paid equally by both contracting Parties. The arbitration commission shall determine its own procedure.

ARTICLE 9

COMING INTO FORCE AND DENUNCIATION

This Administrative Arrangement shall come into force on the same date as the Agreement. Denunciation of the Agreement implies denunciation of the Administrative Arrangement.

Done at Québec on 21 November 2000, in two copies, in the French and Turkish languages, both texts being equally authentic.

For the Gouvernement

For the Competent Authority

du Québec

of the Republic of Turkey

LOUISE BEAUDOIN,

ERHAN ÖG,

Minister of International

Ambassador of the

Relations

Republic of Turkey

O.C. 738-2004.

REFERENCES

O.C. 738-2004, 2004 G.O. 2, 2493

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