

**No. 20766**

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**FRANCE  
and  
CANADA**

**Agreement on social security (with protocol). Signed at  
Ottawa on 9 February 1979**

*Authentic texts: French and English.*

*Registered by France on 25 February 1982.*

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**FRANCE  
et  
CANADA**

**Accord sur la sécurité sociale (avec protocole). Signé à  
Ottawa le 9 février 1979**

*Textes authentiques : français et anglais.*

*Enregistré par la France le 25 février 1982.*

## AGREEMENT<sup>1</sup> BETWEEN FRANCE AND CANADA ON SOCIAL SECURITY

The Government of the French Republic and the Government of Canada,  
Resolved to co-operate in the social field,  
Have decided to conclude an Agreement on social security and, for this purpose,  
Have agreed as follows:

### PART I. DEFINITIONS AND GENERAL PROVISIONS

#### DEFINITIONS

*Article I.* 1. For the purpose of this Agreement:

(a) The term "territory of the Contracting State" means:

- For France: the European and overseas departments
- For Canada: the territory of Canada

(b) The nationals of the Contracting States are:

- For France: nationals of France
- For Canada: citizens of Canada

(c) The term "competent authority" means:

- In respect of France: the Ministers responsible for the implementation of the legislation specified in Article II, paragraph 1 A, each to the extent of his responsibility
- In respect of Canada: the Ministers responsible for the implementation of the legislation specified in Article II, paragraph 1 B, each to the extent of his responsibility

(d) The term "worker" means, for Canada, a person employed in pensionable employment under the Canada Pension Plan.

2. Any term not defined in this Article has the meaning assigned to it in the applicable legislation.

#### SCOPE OF APPLICATION

*Article II.* 1. The legislation to which this Agreement applies is:

A. In relation to France:

- (a) The legislation establishing the organization of social security;
- (b) The legislation establishing the social insurance plan applicable to wage-earning workers in non-agricultural occupations and the legislation on social insurance applicable to wage-earning workers in agricultural occupations;

<sup>1</sup> Came into force on 1 March 1981, i.e., the first day of the second month following the date of the last of the notifications (effected on 23 December 1980 and 16 January 1981) by which the Contracting States notified each other of the completion of the constitutional procedures, in accordance with article XXXIV (2).

- (c) The legislation on the prevention of and compensation for work accidents and occupational illnesses; the legislation concerning insurance against accidents in private life, work accidents and occupational illnesses for non-wage-earning workers in agricultural occupations;
- (d) The legislation relating to family allowances;
- (e) The legislation relating to the special social security plans, particularly the social security plan for mine workers;
- (f) The legislation on plans for sailors, under the conditions specified, if such is the case, in the administrative arrangement relating to the implementation of this Agreement;
- (g) The legislation concerning health and maternity insurance for non-wage-earning workers in non-agricultural occupations and the legislation relating to health, disability and maternity insurance for non-wage-earning workers in agricultural occupations;
- (h) The legislation on old age allowances and old age security for non-wage-earning workers in non-agricultural occupations and the legislation relating to old age security for non-wage-earning workers in agricultural occupations.

B. In relation to Canada:

- (a) The Old Age Security Act;
- (b) The Canada Pension Plan.

2. Notwithstanding paragraph 1 A, this Agreement does not apply to the provisions which extend the right to participate in voluntary insurance to French nationals working or having worked outside the territory of France.

3. This Agreement applies and will apply to all Acts or Regulations which have amended or extended or which will amend the legislation specified in paragraph 1.

Nevertheless, this Agreement will only apply to Acts or Regulations which extend the existing plans to other categories of beneficiaries if, in this respect, neither Contracting State notifies the other State of its objections within three months of the date of notice of these Acts in accordance with Article XXV.

4. This Agreement will not apply to non-contributory benefits under the French plan or to the French social security plan for students which are dealt with in the attached Protocol.

5. Provincial social security legislation, in particular legislation concerning health insurance, workmen's compensation, family benefits and pensions, may be dealt with in arrangements as specified in Article XXXI.

EQUALITY OF TREATMENT AND PERSONS  
TO WHOM THE AGREEMENT APPLIES

*Article III.* 1. Subject to the specific limitations of this Agreement, nationals of one of the Contracting States are subject to the obligations of the legislation of the other State and shall benefit from that legislation under the same conditions as nationals of that State.

2. Subject to the same limitations, provisions contained in the legislation of one of the Contracting States which restrict the rights of aliens, impose

minimum periods of residence or disqualify aliens because of their place of residence, shall not be applied against nationals of the other State.

3. This Agreement applies to persons who are or who have been subject to the legislation of one of the two Contracting States and who are nationals of one of those States as well as to persons who are considered to be the dependents of such persons within the meaning of that legislation and to their survivors.

4. This Agreement applies to the survivors of persons who were subject to the legislation of one of the Contracting States, regardless of the nationality of the deceased, if the survivors are French or Canadian nationals.

5. For the purposes of this Agreement nationals of one or the other Contracting State include:

(a) With respect to the legislation of France:

- (i) Refugees within the meaning of the Convention on the Status of Refugees of July 28, 1951<sup>1</sup> and the Protocol on the Status of Refugees of January 31, 1967.<sup>2</sup>
- (ii) Stateless persons within the meaning of the Convention on the Status of Stateless Persons of September 28, 1954.<sup>3</sup>
- (iii) Relatives and survivors deriving rights in respect of refugees and stateless persons.

(b) With respect to the legislation of Canada:

Persons who are or have been subject to the legislation of Canada specified in Article II, paragraph 1 B.

6. The provisions of Article VII, sub-paragraphs (a) and (b) are applicable without restriction by reason of nationality.

7. Old age and survivor's pensions based upon insurance periods completed under the legislation of France may be determined and paid in favour of nationals of a third State with which France has a social security convention provided they reside in the territory of Canada.

*Article IV.* This Agreement does not apply to:

- (a) Persons in government employment and military service and similar personnel,
- (b) Career diplomatic agents or consular officers as well as members of diplomatic missions and consular posts who are not permanent residents or nationals of the receiving State.

#### GENERAL PROVISIONS

*Article V.* In order to establish eligibility for compulsory or voluntary insurance or insurance maintained by option in accordance with the legislation of the Contracting State in the territory of which the person resides, insurance periods completed under the legislation of the other Contracting State are, to the extent necessary, considered to be insurance periods completed under the legislation of the first Contracting State.

<sup>1</sup> United Nations, *Treaty Series*, vol. 189, p. 137.

<sup>2</sup> *Ibid.*, vol. 606, p. 267.

<sup>3</sup> *Ibid.*, vol. 360, p. 117.

*Article VI.* Except as otherwise provided in this Agreement, pensions, benefits, annuities and death allowances acquired under the legislation of one Contracting State are not subject to any reduction, modification, suspension, cancellation or confiscation by reason only of the fact that the beneficiary resides in the territory of the Contracting State other than the one where the institution or authority making the payment is located.

*Article VII.* Notwithstanding the rules under the legislation of the two Contracting States which determine who is subject to the legislation:

(a) Workers who are sent by their employers to the other State on a specific assignment are not subject to the social security legislation of the receiving State but remain subject to the social security legislation of the sending State provided the assignment does not exceed three years, including holidays.

The prior consent of the competent administrative authorities of both Contracting States or of the authorities which they have delegated for that purpose, is required for the extension, as appropriate, of the application of the legislation of the sending State when the assignment extends beyond three years.

The terms and conditions for the application of this sub-paragraph will be set out in the general administrative arrangement provided for in Article XXIV.

(b) Workers employed by a public or private enterprise of one of the Contracting States, engaged in international transport, other than maritime transport, and working as crew members in the other State shall be subject to the social security legislation of the State in which the enterprise has its place of business.

The same applies to such workers sent temporarily to the other State provided the duration of the assignment does not exceed the limits set out in sub-paragraph (a).

(c) Employees in the service of the Government of either Contracting State who are assigned to the territory of the other State, other than those referred to in Article IV(a), shall remain subject to the social security legislation of the sending State.

*Article VIII.* 1. In specific cases, the competent authorities of the two Contracting States may make exceptions to the provisions of Article VII in the interests of certain persons or categories of persons.

2. When cases of dual coverage arise, the competent authorities of the two Contracting States will settle them by mutual agreement and in the interests of the persons concerned.

#### DEFINITION OF CERTAIN PERIODS OF RESIDENCE WITH RESPECT TO THE LEGISLATION OF CANADA

*Article IX.* 1. Subject to paragraph 2, if, under the terms of this Part, a person other than a person referred to in the first sub-paragraph of Article VII(b) is subject to the legislation of Canada during any period of residence in the territory of France, that period shall be considered, in respect of that person, his spouse and any dependants who live with him during that period, as a period of residence in Canada for the purposes of the Old Age Security act.

2. However, no period during which the spouse or the dependant referred to in paragraph 1 are subject, by reason of their employment, to the legislation

of France shall be treated as a period of residence in Canada for the purposes of the Old Age Security Act.

3. Subject to paragraph 4, if, under the terms of this Part, a person other than a person referred to in the first sub-paragraph of Article VII(b), is subject to the legislation of France during any period of residence in the territory of Canada, that period shall not be considered, in respect of that person, his spouse and any dependants who live with him during that period, as a period of residence in Canada for the purposes of the Old Age Security Act.

4. Any period of contribution to the Canada Pension Plan by the spouse or dependants referred to in paragraph 3 shall be considered as a period of residence in Canada for the purposes of the Old Age Security Act.

5. When a province of Canada has instituted a comprehensive pension plan within the meaning of the Canada Pension Plan, paragraphs 1 and 4 shall be read as if the expression "legislation of Canada" in paragraph 1 included the legislation of that province and as if the words "and to the comprehensive pension plan of that province" were added to paragraph 4 after the words "Canada Pension Plan".

## PART II. SPECIFIC PROVISIONS CONCERNING EACH CATEGORY OF BENEFITS

### *Section 1. DISABILITY*

*Article X.* 1. For nationals of either Contracting State who go from one State to the other, insurance or assimilated periods completed under the social security plans of the first State shall be totalized, pursuant to Article XII, with insurance or assimilated periods completed under the plans of the other State to the extent necessary to satisfy the minimum requirements of contributory or insurance periods of the legislation of the State where the disability occurs, both in order to determine eligibility for disability insurance cash benefits (pensions) or benefits in kind (care) and to maintain or regain this right.

2. If the interruption of work and the disability which follows occur in Canada, the disability pension shall be determined and paid in accordance with the legislation of the State to which the interested person was subject at the time. The competent authority of Canada shall take into account the periods totalized in accordance with the preceding paragraph in calculating the benefit.

3. If the interruption of work and the disability which follows occur in France, the disability pension shall be determined and paid as applicable, with respect to the legislation of both Contracting States.

Nevertheless, if eligibility under the legislation of Canada is established only through the application of paragraph 1, the competent authority of Canada shall not be required to pay the benefit in the territory of France.

*Article XI.* 1. The institution or authority paying the pension shall notify the institution or authority of the other State of the suspension or cancellation of the pension.

2. In the event that the insured person, after suspension of the disability pension, re-establishes eligibility for that pension, payment of the benefits shall be resumed by the institution or authority responsible for paying the pension originally granted.

3. If after cancellation of the pension, the state of health of the insured person warrants the granting of a new disability pension, the rules established by Article X shall be applicable.

## *Section 2. OLD AGE AND SURVIVORS (PENSIONS)*

### ELIGIBILITY FOR BENEFITS

*Article XII.* A national of France or Canada who has been subject in succession or alternately to the old age insurance plans of each Contracting State shall receive benefits under the following conditions:

I. If the interested person meets the eligibility requirements for benefits under the legislation of both States, the competent institution or authority of each Contracting State shall determine the amount of the benefit in accordance with the provisions of the legislation which it is applying, taking into account only the insurance periods completed under that legislation.

II. Where the requirements of duration of insurance for eligibility under neither State's legislation are met by the interested person, the benefits which may be claimed from the institutions or authorities applying the legislation shall be determined and paid in accordance with the following rules:

#### *A. Totalization of Periods*

(1) For the purposes of applying the legislation of France and of Canada, all of the insurance or assimilated periods shall be totalized to the extent necessary, provided they do not overlap, in order to establish eligibility for benefits and to maintain or regain this eligibility.

(2) The periods assimilated with insurance periods shall be, in each State, those which are recognized as such or credited under the legislation of that State.

The general administrative arrangement will set out the rules to follow in the case of overlapping periods.

#### *B. Determination of the Benefit Payable*

(1) Taking into account the totalization of periods carried out as described above, the competent institution or authority of each State shall determine, in accordance with its own legislation, whether the interested person fulfills the eligibility requirements for an old age benefit under that legislation.

(2) When entitlement to a pension is established, the competent institution or authority of each State shall determine, theoretically, where necessary, the amount of the benefit to which the insured person would be eligible if all the insurance periods or periods considered equivalent, totalized in accordance with the rules set out in sub-paragraph II A, had been completed exclusively in accordance with its own legislation.

(3) The benefit actually payable to the interested person by the competent institution or authority of each State shall be established by prorating the amount of the benefit calculated in sub-paragraph II B(2) on the basis of the ratio of the insurance or assimilated periods completed under its own legislation to the total of the insurance or assimilated periods completed in the two States, totalized in accordance with the above rules.

III. When entitlement is acquired under the legislation of one of the two Contracting States taking into account only the periods completed under that

legislation, the competent institution or authority of that State shall determine the amount of the benefit as set out in sub-paragraph I. The competent institution or authority of the other State shall proceed with the determination and payment of the benefit for which it is responsible under the conditions set out in sub-paragraph II.

#### MINIMUM DURATION OF INSURANCE FOR THE APPLICATION OF THIS SECTION

*Article XIII.* 1. When totalization is required, if the total duration of insurance periods completed under the legislation of one Contracting State is less than one year, the institution or authority of that State need not grant benefits in respect of such periods unless, by virtue of these periods alone, entitlement to a benefit is acquired under that legislation. In this event, the amount of the benefit shall be determined definitively, taking into consideration such periods alone.

2. Nevertheless, such periods may be taken into account to establish eligibility, by totalization, with respect to the legislation of the other Contracting State.

#### CASES OF SUCCESSIVE APPLICATION OF LEGISLATION

*Article XIV.* 1. When the interested person does not fulfill, at a given time, the requirements of the legislation of both Contracting States, but fulfills the requirements of only one of them, or fulfills the requirements of both States, but has taken the opportunity provided by the legislation of one of the States to defer the determination and payment of his benefit entitlements, the amount of the benefits payable under the legislation in respect of which entitlements are determined shall be calculated in accordance with the provisions of Article XII, sub-paragraph I or III as applicable.

2. When the requirements of the legislation of the other Contracting State are fulfilled or when the insured person requests the determination and payment of the entitlements which he deferred with respect to the legislation of one of the Contracting States, the determination of the benefits payable under the legislation shall be carried out in accordance with Article XII, without the need to revise the entitlements already determined and payable under the legislation of the first State.

#### SPECIFIC PROVISIONS FOR THE APPLICATION OF THE LEGISLATION OF FRANCE: SPECIAL SOCIAL SECURITY PLANS

*Article XV.* 1. Where, for the purposes of the legislation of France, the granting of certain old age advantages is made conditional upon the insurance periods having been completed in a profession covered by a special plan, or, where applicable, in a specified profession or work, the periods completed in Canada shall be taken into account for the granting of these advantages only if they were completed in the same profession or, where applicable, in the same work.

2. If, considering the periods completed in this way, the interested person does not fulfill the requirements for receipt of these advantages, these periods shall be taken into account for the granting of benefits under the general plan, regardless of the specific nature of such periods.

#### SPECIFIC PROVISIONS FOR THE APPLICATION OF THE LEGISLATION OF CANADA

*Article XVI.* The following specific provisions apply with respect to the application of the Old Age Security Act of Canada:



(a) If a person is entitled to an old age pension under the legislation of Canada in accordance with the provisions of Article XII, sub-paragraph I, that pension is payable in the territory of France provided that the person has at least twenty years of residence totalized in accordance with the provisions of sub-paragraph (c) below.

(b) Sub-paragraphs II and III of Article XII and Articles XIII and XIV do not apply to subsection 3(1) of the Old Age Security Act of Canada.

(c) For the purposes of sub-paragraph II A(1) of Article XII, any reference to insurance periods shall read "residence periods" and residence periods completed in the territory of France after January 1, 1966 shall be considered residence periods in the territory of Canada.

(d) If entitlement to a pension is acquired as specified in Article XII, sub-paragraph II A, the competent authority shall calculate the amount of the pension payable in accordance with the provisions of its legislation, directly and exclusively with reference to the periods completed under the terms of that legislation.

When the total of the periods credited in accordance with sub-paragraph II A of Article XII is not at least ten years, Canada is not required to pay an old age pension, under the terms of this Article, and when the total is not at least twenty years, Canada is not required to pay an old age pension, under the terms of this Article, in the territory of France.

#### *Spouse's Allowance and Guaranteed Income Supplement*

(e) The provisions of this Article do not apply to section 17.1 of the Old Age Security Act.

The provisions of sub-paragraphs (c) and (d) apply to the Spouse's Allowance specified in that Act.

(f) The Guaranteed Income Supplement and the Spouse's Allowance payable by virtue of the Old Age Security Act are not exportable.

### SURVIVORS' ENTITLEMENTS

*Article XVII.* The provisions of this Section apply, to the extent necessary, to the entitlements of surviving spouses and children.

#### *Section 3. DEATH ALLOWANCES AND BENEFITS*

*Article XVIII.* Nationals of Canada or of France who change their residence from Canada to France or vice versa establish entitlement to death allowances or benefits in France or in Canada provided:

(a) They had been in insurable employment in the State to which they transferred their residence; and,

(b) They fulfill, in that State, the requirements for the granting of those benefits.

*Article XIX.* Where the condition of duration of insurance, provided by the legislation of the new State of employment, to obtain entitlement to allowances, is not fulfilled, and in order to complement the insurance or assimilated periods completed in that State, the insurance or assimilated periods completed by the worker in the other State may be used, to the extent necessary, to satisfy the minimum contributory period requirements of the legislation of the State where the death occurs.

*Article XX.* 1. If death occurs in Canada, the death benefit shall be determined and paid in accordance with the legislation of that State to which the interested person was subject at the time.

2. In the calculation of the benefit the competent authority of Canada shall take account of the periods totalized in accordance with the provisions of Article XIX.

*Article XXI.* 1. If death occurs in France, the death benefit shall be determined and paid, where applicable, according to the legislation of each of the two Contracting States.

2. Nevertheless, if entitlement is achieved with regard to the legislation of Canada only by applying Article XIX, the competent authority of that State is not required to pay that benefit in the territory of France.

*Article XXII.* In the cases specified in Article VII, a death occurring in the receiving State is deemed to have taken place in the sending State.

#### *Section 4. GENERAL PROVISIONS FOR DISABILITY, OLD AGE, SURVIVOR AND DEATH BENEFITS*

*Article XXIII.* 1. If, according to the legislation of one of the Contracting States, the amount of the benefit varies with the number of dependants, the institution or authority determining and paying that benefit shall take into account those dependants who reside in the territory of the other Contracting State.

2. Where, according to the legislation of one of the Contracting States, the determination of the benefits payable is effected on the basis of the average salary or income of all or part of the insurance period, the average salary or income taken into consideration for the calculation of the benefits payable by the institutions or authorities of that State is determined by taking account only of the insurance period completed under the legislation of that State.

#### **PART III. OTHER PROVISIONS**

*Article XXIV.* 1. A general administrative arrangement agreed to by the competent authorities of the two Contracting States shall set out, to the extent necessary, the conditions under which this Agreement will be implemented.

2. In this arrangement the two Contracting States will designate their liaison agencies.

3. In addition, the model forms necessary to put into operation the procedures and formalities jointly agreed to shall be prescribed.

*Article XXV.* The competent administrative authorities of the two Contracting States:

- (a) Shall advise each other directly of any information concerning actions taken domestically for the application of this Agreement,
- (b) Shall advise each other directly of any information concerning amendments made to the legislation and regulations referred to in Article II insofar as these amendments are likely to affect the application of this Agreement,
- (c) Shall mutually address any difficulties which may arise, on the technical level, in the application of the provisions of this Agreement or of the arrangements made for its application.

*Article XXVI.* 1. For the application both of this Agreement and of the social security legislation of the other Contracting State, the competent social security authorities and institutions of both Contracting States shall make their facilities available in the same way as they would for the application of their own legislation.

2. Information provided by virtue of the preceding paragraph shall be used solely for the purposes of applying this Agreement.

3. The access of a person to his social security file shall be regulated by the legislation of the Contracting State holding the file.

*Article XXVII.* 1. The benefit of the exemptions or reductions of taxes, or stamp duties or of registration or recording fees provided for by the legislation of one Contracting State in respect of certificates or other documents required to be produced for the application of the legislation of that State shall be extended to certificates or other documents required to be produced for the application of the legislation of the other State.

2. All acts, documents and certificates required to be produced for the carrying out of this Agreement shall be exempt from notarization.

*Article XXVIII.* Claims, notices and appeals on social security matters which are required to be submitted within a specified period to the authority, institution or jurisdiction of one of the Contracting States authorized to accept them, are acceptable if they have been presented within the same specified period to a corresponding authority, institution or jurisdiction of the other State. In this case the claims, notices and appeals must be sent without delay to the authority, institution or jurisdiction of the first State.

*Article XXIX.* The institutions or authorities responsible for paying benefits under this Agreement shall pay those benefits in their national currency.

*Article XXX.* The rules established by the legislation listed in Article II concerning the participation of aliens in the establishment or renewal of the organs necessary for the functioning of the social security plans of either State are not waived.

*Article XXXI.* The competent authorities of France and the competent authorities of the provinces of Canada may conclude arrangements concerning any social security legislation within provincial jurisdiction insofar as those arrangements are not inconsistent with the provisions of this Agreement.

*Article XXXII.* Where an arrangement has been concluded between the competent authorities of France and a province providing a comprehensive pension plan, concerning that provincial comprehensive pension plan, Canada may, if it deems necessary, for the purposes of applying this Agreement, conclude an arrangement with that province in order to coordinate the Canada Pension Plan and that provincial plan and may, among other things, accept periods of contribution to the provincial plan as periods of contribution under the legislation of Canada.

#### PART IV. TRANSITIONAL AND FINAL PROVISIONS

*Article XXXIII.* 1. This Agreement does not create a right to payment of benefits in respect of any period prior to the date on which it enters into force.

2. All insurance or assimilated periods, as well as all periods of residence, credited under the legislation of one of the Contracting States prior to the date on which this Agreement enters into force shall be taken into consideration in the determination of benefit rights established in accordance with the provisions of this Agreement.

3. Subject to the provisions of paragraph 1, a benefit is payable by virtue of this Agreement even if it relates to an event prior to the date on which the Agreement enters into force. In this regard any benefit that was not determined and paid or that was suspended by reason of the nationality of the interested person or by reason of his residence in the territory of a State other than that in which the institution responsible for payment is located shall, on the request of the interested person, be determined and paid or reinstituted from the entry into force of this Agreement subject to the rights previously determined not having led to a cash settlement.

4. Rights of interested persons who, prior to the entry into force of this Agreement, obtained payment of a pension or annuity may be revised upon application by those persons or on the initiative of an institution. Such revision shall grant to beneficiaries, from the entry into force of this Agreement, the same rights as if the Agreement had been in force when the benefits were determined and paid. Any request for revision shall be made within two years from the entry into force of this Agreement.

5. As regards the rights resulting from the application of paragraphs 3 and 4, provisions of the legislation of the two Contracting States concerning the forfeiture or prescription of rights shall not be applicable against interested persons if the request provided for in paragraph 3 or 4 is made within two years from the entry into force of this Agreement. If the request is made after the expiration of that time the right to benefits which is not subject to forfeiture or which is not prescribed shall be acquired from the date of the request, unless more favourable legislative provisions of either Contracting State are applicable.

*Article XXXIV.* 1. Each Contracting State shall notify the other of the completion of the constitutional procedures required for this Agreement to come into force.

2. This Agreement shall enter into force on the first day of the second month following the last such notification.

*Article XXXV.* This Agreement shall remain in force for one year from the date of its entry into force. It shall be renewed automatically from year to year unless notice of termination is given through diplomatic channels three months prior to the expiration of the term.

#### PROTOCOL BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF CANADA ON SOCIAL SECURITY

Upon the signing on this date of the Agreement on Social Security between the Government of the French Republic and the Government of Canada,

Considering that in Canada:

— Nationals of France are entitled to benefits under the Old Age Security program on the same basis as other residents of Canada, and

— Nationals of France, including students, have access to the network of Canadian provincial social assistance services without restriction as to nationality,

It has been agreed that the following provisions shall apply in France:

1. *Allowance for Elderly Employees*

The allowance for elderly employees shall be granted, under the conditions provided in the legislation of France on elderly employees, to elderly Canadian employees with insufficient resources who, at the time of application, have at least fifteen years of uninterrupted residence in France.

2. *Old Age Allowance for Self-employed*

Nationals of Canada who having pursued in France a self-employed activity covered by an old age allowance plan referred to in Part I of Volume VIII of the Social Security Code, had never contributed to that program, shall have access to the non-contributory old age allowance for the self-employed on the same basis as nationals of France subject to their establishing that they have resided in France for a total of at least fifteen years after age twenty and have resided normally in France for at least five years without interruption at the time of application for benefits.

3. *Special Allowance*

Nationals of Canada shall have access to the special allowance provided for in Part II of Volume VIII of the Social Security Code on the same basis as nationals of France subject to their establishing that they have resided in France for a total of at least fifteen years after age twenty and have resided normally in France for five years without interruption at the time of application for benefits.

4. *National Solidarity Fund Supplementary Allowance*

Nationals of Canada entitled to an old age or disability benefit from a French plan for employees, within the framework of the legislation referred to in Article V of the Agreement on Social Security of February 9, 1979, or of one of the benefits referred to in paragraphs 1, 2 and 3 of this Protocol, are entitled to the Supplementary Allowance under the same conditions as nationals of France.

The allowances referred to in paragraphs 1, 2, 3 and 4 of this Protocol cease to be paid when the beneficiaries leave French territory.

5. *Social Security for Students*

The French social security plan for students established by Volume VI of Part I of the Social Security Code is applicable, under the same conditions as for French students, to Canadian students who pursue their studies in France and who are neither covered by social insurance in that State nor dependants of a person so covered.

6. *General Provisions*

For the application of resource-related provisions established by the legislation of one of the States the competent services and agencies of the other State will extend their cooperation with a view to:

(a) Determining the resources available to the applicants, such as lifetime benefits derived from the social security plan and, to this effect, to conduct an inves-

tigation or inquiry in accordance with the conditions set out in the social security legislation;

- (b) Evaluating the goods they possess;
- (c) Approaching, if necessary, the persons who have a basic obligation to maintain the applicants concerned.

The competent authorities may designate an agency empowered to receive applications submitted in this regard.

#### 7. *Final Provisions*

The provisions of this Protocol will take effect from the date the Agreement enters into force.

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet par leurs Gouvernements respectifs, ont signé le présent Accord.

FAIT en deux exemplaires à Ottawa ce 9<sup>e</sup> jour de février 1979, en français et en anglais, chaque texte faisant également foi.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in two copies at Ottawa this 9th day of February, 1979, in the English and French languages, each text being equally authentic.

Pour le Gouvernement de la République Française :

For the Government of the French Republic:

[*Signé — Signed*]<sup>1</sup>

Pour le Gouvernement du Canada :

For the Government of Canada:

[*Signé — Signed*]<sup>2</sup>

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<sup>1</sup> Signé par Olivier Stirn — Signed by Olivier Stirn.

<sup>2</sup> Signé par Monique Begin — Signed by Monique Begin.