

**No. 24073**

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**SWEDEN  
and  
CANADA**

**Agreement on social security (with administrative arrangement). Signed at Stockholm on 10 April 1985**

*Authentic texts: Swedish, English and French.*

*Registered by Sweden on 25 April 1986.*

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**SUÈDE  
et  
CANADA**

**Accord sur la sécurité sociale (avec arrangement administratif). Signé à Stockholm le 10 avril 1985**

*Textes authentiques : suédois, anglais et français.*

*Enregistré par la Suède le 25 avril 1986.*

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

The Government of Sweden and the Government of Canada, resolved to co-operate in the field of social security, have decided to conclude an agreement for this purpose, and have agreed as follows:

### PART I. DEFINITIONS AND GENERAL PROVISIONS

#### *Article I.* DEFINITIONS

1. For the purposes of this Agreement,

(a) "Legislation" means the laws and regulations specified in Article II.

(b) "Competent authority" means, as regards Canada, the Minister or Ministers responsible for the administration of the legislation of Canada; and, as regards Sweden, the Government or the authority nominated by the Government.

(c) "Competent institution" means, as regards Canada, the competent authority; and, as regards Sweden, the body or authority charged with the implementation of the legislation specified in Article II.

(d) "Creditable period" means a period of contributions, insurance or residence used to acquire the right to a benefit under the legislation of either State.

(e) "Benefit" means any cash benefit, pension or allowance for which provision is made in the legislation of either State and includes any supplements or increases applicable to such a cash benefit, pension or allowance.

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

#### *Article II.* LEGISLATION TO WHICH THE AGREEMENT APPLIES

1. This Agreement shall apply to the laws and regulations listed hereunder, their present and future complements, consolidations and amendments:

(a) With respect to Canada:

- i) The Old Age Security Act and the regulations made thereunder; and
- ii) The Canada Pension Plan and the regulations made thereunder;

(b) With respect to Sweden, the legislation governing:

- i) Basic pension; and
- ii) Supplementary pension;

however, this Agreement shall not affect branches of social security other than those referred to in this sub-paragraph.

2. This Agreement shall apply to laws or regulations which extend the existing legislation to other categories of beneficiaries unless an objection on the part of either State has been communicated to the other State within three months of notification of such laws or regulations.

<sup>1</sup> Came into force on 1 January 1986, i.e., the first day of the third month following the month in which the Parties had notified each other (on 17 and 29 October 1985) of the completion of the statutory and constitutional requirements, in accordance with article XXI (1).

*Article III.* PERSONS TO WHOM THE AGREEMENT APPLIES  
AND EQUALITY OF TREATMENT

1. Unless otherwise provided in this Agreement, it shall apply to:

- (a) Citizens of either State;
- (b) Refugees, within the meaning of Article 1 of the Convention Relating to the Status of Refugees of July 28, 1951,<sup>1</sup> and of the Protocol of January 31, 1967,<sup>2</sup> to that Convention;
- (c) Stateless persons, within the meaning of Article 1 of the Convention Relating to the Status of Stateless Persons of September 28, 1954;<sup>3</sup>
- (d) Other persons to the extent that they derive rights from a citizen of either State, from a refugee or from a stateless person within the meaning of this Article;
- (e) Citizens of third states, unless they are included in the group of persons described in sub-paragraph (d).

2. Unless otherwise provided in this Agreement, a person described in paragraph 1 of this Article, regardless of nationality, shall be subject to the obligations of the legislation of a State and shall be eligible for the benefits of that legislation under the same conditions as the citizens of that State.

*Article IV.* EXPORT OF BENEFITS

1. Unless otherwise provided in this Agreement, benefits acquired under the legislation of one State, including benefits acquired by virtue of this Agreement, shall not be subject to any reduction, modification, suspension, cancellation or confiscation by reason only of the fact that the beneficiary resides in the territory of the other State, and they shall be payable in the territory of the other State.

2. Benefits payable under this Agreement by one State in the territory of the other State shall also be payable in the territory of a third state.

PART II. PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

*Article V*

1. Subject to the following provisions of this Article,

- (a) An employed person who works in the territory of one State shall, in respect of that work, be subject only to the legislation of that State; and
- (b) A self-employed person who resides in the territory of one State and who works for his own account in the territory of the other State or in the territories of both States shall, in respect of that work, be subject only to the legislation of the former State.

2. An employed person who is covered under the legislation of one State and who performs services in the territory of the other State for the same employer shall, in respect of those services, be subject only to the legislation of the former State as though those services were performed in its territory. In the case of an assignment, this coverage may not be maintained for more than 24 months without the prior consent of the competent authorities of both States.

<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.

3. A person who, but for this Article, would be subject to the legislation of both States in respect of employment as a member of the crew of a ship shall, in respect of that employment, be subject only to the legislation of Sweden if the ship flies the flag of Sweden and only to the legislation of Canada in any other case.

4. (a) An employed person shall, in respect of the duties of a government employment performed in the territory of the other State, be subject to the legislation of the latter State only if he is a citizen thereof or if he ordinarily resides in its territory.

(b) This agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations relating to the legislation specified in paragraph 1 of Article II.

5. The competent authorities of the two States may, by common agreement, modify the application of the preceding provisions of this Article with respect to any persons or categories of persons.

#### *Article VI*

1. For the purpose of calculating benefits under the Old Age Security Act of Canada:

(a) If a person is subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada during any period of residence in the territory of Sweden, that period shall be accepted as a period of residence in Canada for that person as well as for his spouse and dependants who reside with him and who are not subject to the legislation of Sweden by reason of employment.

(b) If a person is subject to the legislation of Sweden during any period of residence in the territory of Canada, that period shall not be accepted as a period of residence in Canada for that person and for his spouse and dependants who reside with him and who are not subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada, by reason of employment.

(c) If a person referred to in sub-paragraph (b) of this paragraph also becomes subject to the Canada Pension Plan, or to the comprehensive pension plan of a province of Canada, by virtue of occupying simultaneously more than one employment, that period shall not be counted as a period of residence in Canada.

2. For the purposes of Swedish legislation:

(a) Where, according to the provisions of Article V, a person is subject to the legislation of one State, he shall be considered resident in the territory of that State.

(b) The provisions of sub-paragraph (a) of this paragraph shall also apply to that person's spouse and dependants who live with him and who are not subject to the legislation of the other State by reason of employment or self-employment.

### PART III. PROVISIONS CONCERNING BENEFITS

#### CHAPTER I. BENEFITS PAYABLE BY CANADA

#### *Article VII*

1. If a person is not entitled to a benefit on the basis of the periods creditable under the legislation of Canada, eligibility for that benefit shall be determined by

totalizing these periods and those stipulated in paragraph 2 of this Article, provided that the periods do not overlap.

2. (a) For purposes of determining eligibility for a benefit payable under the Old Age Security Act, a period of residence in the territory of Sweden, after the age at which periods of residence in Canada are creditable for purposes of that Act, shall be accepted as a period of residence in the territory of Canada.

(b) For purposes of determining eligibility for a benefit payable under the Canada Pension Plan, a year which is creditable for purposes of a supplementary pension under the legislation of Sweden shall be accepted as a year for which contributions have been made under the Canada Pension Plan.

#### *Article VIII.* BENEFITS PAYABLE UNDER THE OLD AGE SECURITY ACT

1. (a) If a person is entitled to payment of a pension in Canada under the Old Age Security Act without recourse to the provisions of this Agreement but has not accumulated sufficient periods of residence in Canada to qualify for payment of the pension abroad under that Act, a partial pension shall be payable to him outside the territory of Canada if the periods of residence in the territories of the two States, when totalized as provided in Article VII, are at least equal to the minimum period of residence in Canada required by the Old Age Security Act for payment of a pension abroad.

(b) The amount of the pension payable shall, in this case, be calculated in conformity with the provisions of the Old Age Security Act governing the payment of a partial pension, exclusively on the basis of the periods creditable under that legislation.

2. (a) If a person is not entitled to an Old Age Security pension or a spouse's allowance solely on the basis of periods of residence in Canada, a partial pension or a spouse's allowance shall be payable to him if the periods of residence in the territories of the two States, when totalized as provided in Article VII, are at least equal to the minimum period of residence in Canada required by the Old Age Security Act for payment of a pension or a spouse's allowance.

(b) The amount of the pension or the spouse's allowance payable shall, in this case, be calculated in conformity with the provisions of the Old Age Security Act governing the payment of a partial pension or a spouse's allowances, exclusively on the basis of the periods creditable under that legislation.

3. (a) Notwithstanding any other provision of this Agreement, Canada shall not be liable to pay an Old Age Security pension outside its territory unless the periods of residence in the territories of the two States, when totalized as provided in Article VII, are at least equal to the minimum period of residence in Canada required by the Old Age Security Act for the payment of a pension abroad.

(b) The spouse's allowance and the guaranteed income supplement shall be payable outside the territory of Canada only to the extent permitted by the Old Age Security Act.

#### *Article IX.* BENEFITS PAYABLE UNDER THE CANADA PENSION PLAN

1. (a) If a person is not entitled to a disability pension, disabled contributor's child's benefit, survivor's pension, orphan's benefit or death benefit solely on the basis of the periods creditable under the Canada Pension Plan, but is entitled to that

benefit through totalizing creditable periods as provided in Article VII, the competent institution of Canada shall calculate the amount of the earnings-related portion of such benefit in conformity with the provisions of the Canada Pension Plan, exclusively on the basis of the pensionable earnings credited under that legislation.

(b) The amount of the flat-rate portion of the benefit payable under the provisions of this Agreement shall, in this case, be determined by multiplying:

(i) The amount of the flat-rate portion of the benefit determined under the provisions of the Canada Pension Plan

by

(ii) The ratio that the periods of contributions to the Canada Pension Plan represent in relation to the minimum qualifying period for entitlement to that benefit under the Canada Pension Plan.

2. No benefit shall, however, be paid under this Article unless the contributor has reached an age at which his contributory period, as defined in the Canada Pension Plan, is at least equal to the minimum qualifying period under the legislation of Canada for entitlement to the benefit in question.

## CHAPTER 2. BENEFITS PAYABLE BY SWEDEN

### *Article X*

1. Canadian citizens as well as the persons described in subparagraphs 1 (b), (c) and (d) of Article III who do not fulfill the conditions of the legislation of Sweden which apply to them as regards entitlement to a basic pension shall, whether they reside in Sweden or not, be entitled to a basic pension in accordance with the provisions applicable to Swedish citizens resident outside Sweden.

2. Handicap allowances which are not supplements to a basic pension, care allowances for handicapped children, general pension supplements and income-tested pension benefits shall be payable to persons designated in paragraph 1 who are residing in Sweden, applying, as appropriate, the provisions referred to in that paragraph.

3. Where a person described in sub-paragraphs 1 (a), (b), (c) or (d) of Article III does not have sufficient creditable periods under the legislation of Sweden to satisfy the requirements for entitlement to a basic pension in accordance with the provisions applicable to Swedish citizens resident outside Sweden, creditable periods under the legislation of Canada shall be taken into account provided that they do not overlap with creditable periods under the legislation of Sweden.

4. Where a person does not have sufficient creditable periods under the legislation of Sweden to satisfy the requirements for entitlement to a supplementary pension, creditable periods under the Canada Pension Plan shall be taken into account provided that they do not overlap with creditable periods under the legislation of Sweden.

5. When calculating the amount of a supplementary pension, only periods creditable under the legislation of Sweden shall be taken into account.

6. When applying paragraphs 3 and 4 of this Article, a year which is creditable under the legislation of Canada shall be considered equal to one calendar year for which pension points have been credited under the legislation of Sweden.

7. Paragraph 2 of Article III shall not result in an extension of the application of the provisions of the legislation of Sweden concerning:

- (a) The right to a basic pension for Swedish citizens born before 1930 residing outside Sweden;
- (b) The calculation of a supplementary pension for Swedish citizens born before 1924; and
- (c) The crediting of pension points for Swedish citizens by virtue of employment while residing outside Sweden.

8. Article IV does not affect the provisions of the legislation of Sweden concerning the right of Swedish citizens residing outside Sweden to a basic pension.

### CHAPTER 3. PROVISIONS COMMON TO CHAPTERS 1 AND 2

#### *Article XI*

If a person is not entitled to a benefit on the basis of periods credited under the legislation of the two States, totaled as provided in this Agreement, eligibility for that benefit shall be determined by totalizing these periods with periods credited under the legislation of a third state with which both States are bound by a social security agreement which contains rules on totalizing of creditable periods.

### PART IV. ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

#### *Article XII*

1. The competent authorities and institutions responsible for the application of this Agreement:

- (a) Shall communicate to each other any information necessary for the application of this Agreement;
- (b) Shall lend their good offices and furnish assistance to one another with regard to any matter relating to the application of this Agreement as if the matter were affecting the application of their own legislation;
- (c) Shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes in their respective legislation in so far as these changes affect the application of this Agreement.

2. The assistance referred to in sub-paragraph 1 (b) of this Article shall be provided free of charge, subject to any agreement reached between the competent authorities of the two states for the reimbursement of certain types of expenses.

3. Unless disclosure is required under the laws of a State, any information about an individual which is transmitted in accordance with this Agreement is confidential and shall be used by that State only for purposes of implementing this Agreement and the legislation to which this Agreement applies.

#### *Article XIII*

1. An administrative arrangement, agreed to by the competent authorities of the two States, shall set out, as required, the conditions under which this Agreement shall be implemented.

2. The liaison agencies of the States shall be designated in that arrangement.

#### *Article XIV*

1. Any exemption from or reduction of taxes, legal dues, consular fees or administrative charges for which provision is made in the legislation of one State in connection with the issuing of a certificate or document required to be produced for the application of that legislation shall be extended to certificates or documents required to be produced for the application of the legislation of the other State.

2. Acts or documents of an official nature required to be produced for the application of this Agreement shall be exempt from authentication by diplomatic or consular authorities or similar formality.

#### *Article XV*

For the application of this Agreement, the competent authorities and institutions of the two States may communicate directly with one another in English, French or Swedish.

#### *Article XVI*

1. Any claim, notice or appeal which should, for the purposes of the legislation of one State, have been presented within a prescribed period to a competent authority or institution of that State, but which is presented within the same period to a competent authority or institution of the other State, shall be treated as if it had been presented to the authority or institution of the first State.

2. A claim for a benefit payable under the legislation of one State shall be deemed to be a claim for the corresponding benefit payable under the legislation of the other State, provided that the applicant

- (a) Requests that it be considered an application under the legislation of the other State, or
- (b) Provides information at the time of application indicating that creditable periods had been completed under the legislation of the other State.

However, the applicant may request that his claim to the benefit of the other State be deferred.

3. In any case to which the preceding paragraphs of this Article apply, the authority or institution to which the claim, notice or appeal has been submitted shall transmit it without delay to the authority or institution of the other State.

#### *Article XVII*

1. The benefit paying institutions or authorities shall discharge their obligations under this Agreement in their national currency.

2. Benefits shall be paid to beneficiaries free from deductions for administrative expenses or any other charges that may be incurred in paying the benefits.

#### *Article XVIII*

The competent authorities of the two States shall resolve, to the extent possible, any difficulties which arise in interpreting or applying this Agreement according to its spirit and fundamental principles.



### *Article XIX*

The competent authority of Sweden and a province of Canada may conclude understandings concerning any social security matter within provincial jurisdiction in Canada in so far as those understandings are not inconsistent with the provisions of this Agreement.

## PART V. TRANSITIONAL AND FINAL PROVISIONS

### *Article XX*

1. Any creditable period established before the date of entry into force of this Agreement shall be taken into account for the purpose of determining the right to a benefit under the Agreement.

2. No provision of this Agreement shall confer any right to receive payment of a benefit for a period before the date of entry into force of the Agreement.

3. Subject to the other provisions of this Article, a benefit, other than a lump sum payment, shall be payable under this Agreement in respect of events which happened before the date of entry into force of the Agreement.

4. On receipt of an application from the person concerned, a benefit granted prior to the entry into force of this Agreement shall be recalculated according to its provisions. Such a recalculation may also be made by a competent institution of a State, without an application having been submitted. In no case shall a recalculation result in a reduction of the benefit paid.

5. Provisions in the legislation of a State concerning the prescription or termination of the right to a benefit shall not apply to rights arising out of this Agreement, provided that an application for that benefit is made within two years of the date of entry into force of this Agreement.

### *Article XXI*

1. This Agreement shall enter into force, after the conclusion of the administrative arrangement referred to in Article XIII, on the first day of the third month following the month in which each State shall have received from the other State written notification that it has complied with all statutory and constitutional requirements for the entry into force of the Agreement.

2. This Agreement shall remain in force without any limitation on its duration. It may be denounced at any time by either State giving twelve months' notice in writing to the other State.

3. In the event of the termination of this Agreement, any right acquired by a person in accordance with its provisions shall be maintained and negotiations shall take place for the settlement of any rights then in course of acquisition by virtue of those provisions.

4. On the entry into force of this Agreement, it shall supersede the agreement between the Government of Canada and the Government of Sweden, entered into by exchange of letters dated June 26, 1968 and August 21, 1968<sup>1</sup> and relating to the Canada Pension Plan.

<sup>1</sup> United Nations, *Treaty Series*, vol. 870, p. 55.

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

DONE in two copies at Stockholm this 10th day of April, 1985 in English, French and Swedish, each version being equally authentic.

For the Government of Sweden:

STEN ANDERSSON

For the Government of Canada:

JAKE EPP

## ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN SWEDEN AND CANADA

Pursuant to Article XIII of the Agreement on Social Security between Sweden and Canada, concluded this day, the competent authorities:

For Canada, the Minister of National Health and Welfare,

For Sweden, the Swedish Government

Have agreed on the following provisions:

### PART I. GENERAL PROVISIONS

#### *Paragraph 1. DEFINITIONS*

1. For the application of this Administrative Arrangement, "Agreement" means the Agreement on Social Security between Canada and Sweden.

2. Other terms will have the meaning given to them in the Agreement.

#### *Paragraph 2. LIAISON AGENCIES*

The following are designated as liaison agencies, pursuant to Article XIII of the Agreement:

For Canada:

International Operations Division, Income Security Programs Branch, Department of National Health and Welfare;

For Sweden:

Riksförsäkringsverket (the National Social Insurance Board).

### PART II. PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

#### *Paragraph 3*

1. The following are designated as "institutions" for the purposes of this paragraph:

- (a) Where the legislation of Canada applies, the Accounting and Collections Division, Department of National Revenue, Taxation;
- (b) Where the legislation of Sweden applies, Riksförsäkringsverket (the National Social Insurance Board), Stockholm, or, after authorization, a regional public insurance office.

2. In cases involving assignments or modifications, as provided for in paragraphs 2 and 5, respectively, of Article V of the Agreement, the appropriate institution of the State whose legislation applies will, on request, issue a certificate of fixed duration certifying, in respect of the work in question, that the employed person and his employer are subject to that legislation.

3. The consent referred to in paragraph 2 of Article V of the Agreement must be requested before the end of the current term of coverage. The request must be directed to the institution of the State whose legislation is to apply.

4. In the case of government employment described in paragraph 4 of Article V of the Agreement, the employer in question will respect all the requirements prescribed for all other employers by the applicable legislation.

5. The certificates referred to in sub-paragraph 2 of this paragraph will be issued on forms that are acceptable to the institution of the other State. The employed person in question as well as his employer and the institution of the other State will be entitled to receive a copy.

### PART III. PROVISIONS CONCERNING BENEFITS

#### *Paragraph 4. PROCESSING AN APPLICATION*

1. The liaison agency of one State which receives an application for a benefit payable by the other State will, without delay, send the application form to the liaison agency of the other State.

2. Along with the application form, the liaison agency of the first State will also transmit any documentation available to it which may be necessary for the competent institution of the other State to establish the entitlement of the applicant for a benefit payable by Canada under the Old Age Security Act; this documentation will include, to the extent possible, proof of periods of residence completed in the territory of Sweden.

3. The personal information regarding an individual contained in the application form will be duly certified by the liaison agency of the first State which will confirm that the information is corroborated by documentary evidence; the transmission of the form so certified will exempt the liaison agency from sending the corroboratory documents. The type of information to which this sub-paragraph applies will be agreed upon by the liaison agencies of the Contracting States, with the consent of the respective competent authorities.

4. In addition to the application form and documentation referred to in sub-paragraphs 1 and 2 of this paragraph, the liaison agency of the first State will send to the liaison agency of the other State a liaison form which will indicate, in particular, the periods creditable under the legislation of the first State.

5. On receipt of the liaison form, the liaison agency of the other State will add the information concerning the periods creditable under the legislation which it administers and will, without delay, return the liaison form to the liaison agency of the first State.

6. Each competent institution will subsequently determine the applicant's eligibility and notify the other institution, through the liaison agencies, of the benefits, if any, granted to the applicant.

### PART IV. MISCELLANEOUS PROVISIONS

#### *Paragraph 5. MEDICAL EXAMINATIONS*

1. The liaison agency of one State will, to the extent permitted by the legislation which it administers, provide, upon request, to the liaison agency of the other State such medical information and documentation as are available concerning the disability of a claimant or beneficiary.

2. If the competent institution of one State requires that a claimant or a beneficiary who resides in the territory of the other State undergo an additional medical

examination, the liaison agency of the latter State, at the request of the liaison agency of the first State, will make arrangements for carrying out this examination according to the rules applied by the liaison agency making the said arrangements and at the expense of the agency which requests the medical examination.

3. The amounts due as a result of applying the provisions of subparagraph 2 of this paragraph will be reimbursed without delay on receipt of a detailed statement of the costs incurred.

*Paragraph 6*

The functions assigned to the liaison agency of Sweden by paragraphs 4 and 5 of this Administrative Arrangement may, as appropriate, be performed by a regional public insurance office.

*Paragraph 7. FORMS*

The liaison agencies of the Parties will agree on the forms necessary to implement the Agreement and this Administrative Arrangement.

*Paragraph 8. STATISTICS*

The liaison agencies of the States will exchange statistics on an annual basis, and in a form to be agreed upon, regarding the payments which each has made under the Agreement. These statistics will include data on the number of beneficiaries and the total amount of benefits paid, by type of benefit.

*Paragraph 9. ENTRY INTO EFFECT*

This Administrative Arrangement will take effect on the date of entry into force of the Agreement and will have the same period of duration.

DONE in two copies at Stockholm, this 10th day of April, 1985, in English, French and Swedish, each text being equally authentic.

For the Government of Sweden:

STEN ANDERSSON

For the Government of Canada:

JAKE EPP

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