

No. 24927

**CANADA
and
GREECE**

**Agreement with respect to social security. Signed at Athens
on 7 May 1981**

*Authentic texts: English, French and Greek.
Registered by Canada on 16 July 1987.*

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et
GRÈCE**

**Accord en matière de sécurité sociale. Signé à Athènes le
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*Textes authentiques : anglais, français et grec.
Enregistré par le Canada le 16 juillet 1987.*

AGREEMENT¹ WITH RESPECT TO SOCIAL SECURITY BETWEEN CANADA AND THE HELLENIC REPUBLIC

The Government of Canada and the Government of the Hellenic Republic,
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

DEFINITIONS

Article I. 1. For the purpose of this Agreement, unless the context otherwise requires:

a) “Competent authority” means, in relation to Canada, the Minister or Ministers responsible for the application of the legislation mentioned in paragraph (1) of Article II; in relation to Greece, the Minister of Social Services.

b) “Territory” means, in relation to Canada, the territory of Canada; in relation to Greece, the territory of Greece.

c) “Legislation” means the legislation described in Article II.

d) “Competent institution” means, in relation to Canada, the competent authority; in relation to Greece, the institution or authority responsible for the application of the legislation listed in Article II.

e) “Credited period” means a period of contributions, employment or residence used to acquire a right to a benefit under the legislation of either Party.

This term also designates, in relation to Canada, any equivalent period during which a disability pension is payable under the Canada Pension Plan and, in relation to Greece, any equivalent period under the legislation of Greece;

f) “Government employment” includes, in relation to Canada, employment as a member of the Royal Canadian Mounted Police or the Armed Forces of Canada, employment of any person by the Government of Canada, the government of a municipal corporation of any province, and includes any employment as may be so designated, from time to time, by Canada; in relation to Greece, the employment of public servants and assimilated personnel to the extent that they are subject to a social security scheme, and including, any employment as may be so designated, from time to time, by Greece.

g) “Pension”, “allowance” or “benefit” includes any supplements or increases applicable to them.

h) “Old age benefit” means, in relation to Canada, an old age pension under the Old Age Security Act excluding any income-tested supplement and the spouse’s allowance; in relation to Greece, any old age pension payable under the legislation included in the scope of application of this Agreement.

¹ Came into force on 1 May 1983, i.e., the first day of the second month following the date of exchange of the instruments of ratification, in accordance with article XXII (1).

i) "Spouse's Allowance" means, in relation to Canada, the benefit payable to the spouse of a pensioner under the Old Age Security Act.

j) "Survivor's benefit" means, in relation to Canada, a survivor's pension payable to the surviving spouse under the Canada Pension Plan; in relation to Greece, the survivor's pension payable to the spouse or dependants of the deceased under the Greek legislation.

k) "Invalidity benefit" means, in relation to Canada, a disability pension payable under the Canada Pension Plan; in relation to Greece, the invalidity pension payable under the Greek legislation including the rehabilitation allowance.

l) "Children's benefit" means an orphan's benefit or a disabled contributor's child's benefit payable under the Canada Pension Plan.

m) "Death benefit" means, in relation to Canada, the death benefit payable in a lump sum under the Canada Pension Plan; in relation to Greece, the death allowance payable in a lump sum (funeral expenses) under the Greek legislation.

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

SCOPE OF APPLICATION

Article II. 1. This Agreement applies to the following legislations, their present and eventual complement or amendments and the regulations thereunder

— In Canada:

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

— In Greece:

- a) The general Social Security legislation applicable to salaried and assimilated workers;
- b) The legislation on the Special Schemes concerning the Social Security of all categories of salaried workers as well as of self-employed workers and professionals;
- c) The legislation concerning agricultural workers and operators;
- d) Law 435/76, article 5, providing for a lump sum payment which is granted on retirement, for the purposes of Article XII only;
- e) The legislation providing for cash maternity benefits, for the purposes of Article XIII only.

2. For Greece, this Agreement does not apply

- a) To the special legislation concerning the pensions of public servants nor
- b) To the legislation concerning seafarers.

3. This Agreement shall apply to Acts or Regulations which extend the existing plans to other categories of beneficiaries only if no objection on the part of either Party has been communicated to the other Party within three months of notification of such Acts in accordance with Article XV.

4. Provincial social security legislation may be dealt with in arrangements as specified in Article XXI.

EQUALITY OF TREATMENT AND PERSONS
TO WHOM THE AGREEMENT APPLIES

Article III. 1. This Agreement applies to persons who are, or have been, subject to the legislation referred to in Article II and to their dependants and survivors as specified by the legislation of either Party.

2. Subject to this Agreement, persons described in the preceding paragraph, regardless of their nationality, are subject to the legislation of one Party and are eligible for benefits under that legislation under the same conditions as citizens of that Party.

GENERAL PROVISIONS

Article IV. Subject to the provisions of Articles VIII, IX and X of this Agreement, the pensions, benefits, annuities and death allowances acquired under the legislation of one of the Parties, as well as those which will flow from 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 Party, and they shall be payable in the territory of the other Party.

Article V. 1. Any pension, benefit, annuity or death benefit payable under this Agreement by one Party in the territory of the other is also payable in the territory of a third State.

2. Pensions granted by a Greek plan which are not included in the scope of the present Agreement, shall be paid on the territory of Canada.

PROVISIONS DETERMINING THE LEGISLATION APPLICABLE

Article VI. 1. Subject to the following provisions of this Article, an employed person who works in the territory of one of the Parties shall, in respect of that work, be subject only to the legislation of that Party.

2. An employed person who is covered under the legislation of one of the Parties and who performs services in the territory of the other Party for the same employer shall, in respect of those services, be subject only to the legislation of the former Party 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 Parties.

3. A person who is employed as a member of the crew of an aircraft shall, in respect of that work, be subject only to the legislation of the Party in the territory of which the employer's principal place of business is located.

4. An employed person shall, in respect of the duties of a government employment performed in the territory of the other Party, be subject to the legislation of the latter Party only if he is a national thereof or if he ordinarily resides in its territory. In the latter case, he may, however, elect to be subject only to the legislation of the former Party if he is a national thereof.

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

6. Transitional rules for the application of this Article are provided in the Administrative Arrangement.

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

Article VII. 1. Subject to paragraph 2, where, under the terms of this Part, a person other than a person referred to in Article VI, paragraphs 3 and 5, is subject to the legislation of Canada or the comprehensive pension plan of a province, during any period of residence in the territory of Greece, that period of residence shall, in respect of that person, his spouse and dependants who reside with him and do not occupy employment during that period, be treated as a period of residence in Canada for the purposes of the Old Age Security Act.

2. Any period during which a spouse or a dependant person referred to in paragraph 1 is subject, by reason of employment, to the legislation of Greece, shall not be treated as a period of residence in Canada for the purposes of the Old Age Security Act.

3. Subject to paragraphs 4 and 5, where, under the terms of this Part, a person other than a person referred to in Article VI, paragraphs 3 and 5, is subject to the legislation of Greece during any period of residence in Canada, that period of residence shall not be treated as residence in Canada for the purposes of the Old Age Security Act, in respect of that person, his spouse and dependants who reside with him and are not employed during that period.

4. Periods during which the spouse or dependant referred to in paragraph 3 is contributing to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada as a result of employment shall be treated as periods of residence in Canada for the purpose of the Old Age Security Act.

5. If a person referred to in paragraph 3 also becomes subject to the Canada Pension Plan or the comprehensive pension plan of a province of Canada, by virtue of occupying simultaneously more than one employment, such period of employment shall not be treated as a period of residence for the purposes of the Old Age Security Act.

PART II. PROVISIONS CONCERNING BENEFITS

CHAPTER I. OLD AGE BENEFITS

Article VIII. 1. *a)* If a person is entitled to an old age benefit under the legislation of Greece, without recourse to the following provisions of this Article, the benefit payable under the legislation of Greece shall be payable in the territory of Canada.

b) If a person is entitled to an old age benefit under the Old Age Security Act without recourse to the following provisions of this Article, this benefit shall be payable in the territory of Greece if that person has accumulated, in all, at least twenty years of residence in Canada.

c) If a person is entitled to an old age benefit under the rules set out in subsections 3 (1) *(a)* and *(b)* of the Old Age Security Act, without recourse to the following provisions of this Article, but has not accumulated twenty years of residence in Canada, a partial benefit shall be payable to him in the territory of Greece if the periods of residence in the territory of the two Parties when totalized

according to the rules set out in paragraph 4 of this Article, represent at least twenty years.

The amount of old age benefit payable in the territory of Greece shall, in this case, be calculated in accordance with the principles governing the payment of the partial pension payable, according to paragraphs 3 (1.1) to 3 (1.4) inclusive of the Old Age Security Act and the details of application of the paragraphs of that Act to this Agreement shall be defined by the Administrative Arrangement provided for in Article XIV.

d) If a person is entitled to a partial pension according to the rules in paragraph 3 (1.1) to 3 (1.4) inclusive of the Old Age Security Act, without recourse to the following provisions of this Article, the partial pension shall be payable in the territory of Greece if the periods of residence in the territory of the two Parties when totalized according to the rules set out in paragraph 4 of this Article equal at least twenty years.

2. Notwithstanding any other provision of this Agreement, the applicable legislation for the purpose of the following paragraphs of this Article is, respectively, the legislation of Greece listed in Article II which provides for old age benefits, and, for Canada, the Old Age Security Act, with the exception of paragraph 3 (1) of that Act.

3. If a person is not entitled to an old age benefit on the basis of the periods credited under the legislation of one of the Parties, entitlement to that benefit shall be determined by totalizing these periods and those stipulated in the following paragraph of this Article, provided that these periods do not overlap.

4. *a)* For purposes of establishing entitlement to an old age benefit payable by Canada under paragraph 5 of this Article, residence in the territory of Greece after the age specified and determined in the Administrative Arrangement shall be counted as residence in the territory of Canada.

b) For purposes of establishing entitlement to an old age benefit payable by Greece under paragraph 5 of this Article,

- (i) A month ending on or before December 31, 1965 which would be recognized as a month of residence under the Old Age Security Act shall be treated as a month of contributions under the legislation of Greece;
- (ii) A year in which a contribution has been made to the Canada Pension Plan and commencing on or after January 1, 1966 shall be accepted as twelve months of contributions under the legislation of Greece;
- (iii) A month commencing on or after January 1, 1966 which would be a month of residence for the purposes of the Old Age Security Act and in relation to which no contribution has been made under the Canada Pension Plan shall be accepted as a month of contribution under the legislation of Greece provided, however, that the interested person has contributed to the Canada Pension Plan for a period of at least equal duration. For the application of this provision, one year of contributions is considered to be equal to twelve months;
- (iv) For any month of residence under the Old Age Security Act, Greece will count twenty-five days of insurance and for any year of contributions to the Canada Pension Plan, Greece will count three hundred days of insurance.

5. If a person does not satisfy the conditions required for entitlement to old age benefits except through totalizing of periods as covered in paragraph 3, the competent institution shall calculate the amount of the pension:

- a) As regards Canada, in conformity with the legislation which it administers, directly and exclusively on the basis of the periods accomplished under its legislation;
- b) As regards Greece, the competent institution shall first determine the amount of the benefit by taking into consideration, to the extent necessary, periods credited under the legislation of Canada as if they had been completed under the Greek insurance schemes, excluding overlapping periods. The average salary or the average income taken into consideration for the calculation of the benefit shall be determined strictly on the basis of income or salaries earned during periods of participation in the Greek insurance schemes. On the basis of the pension amount thus calculated (adjusted, as the case may be, to the amount of the guaranteed minimum pension) the Greek institution shall determine the benefit owing by multiplying that amount by the ratio that the number of periods of Greek insurance represents in relation to the total number of periods taken into account.

6. Notwithstanding any other provision of this Agreement, where the total of credited periods is not equal to at least ten years, Canada will not be liable to pay any old age benefit under this Article, and when this period is not equal to at least twenty years, Canada will not be liable to pay any old age benefit by virtue of this Article, in the territory of Greece.

CHAPTER 2. SPOUSE'S ALLOWANCE

Article IX. 1. The legislation of Canada applicable in respect of the Spouse's Allowance under this Article shall, notwithstanding any other provision of this Agreement, be the Old Age Security Act excepting subsection 17.1 (1) of that Act.

2. If a person is not entitled to the Spouse's Allowance because he has not satisfied the residence requirements of the Old Age Security Act but he has resided in the territories of the Parties for a total of at least ten years after the age specified and determined in the Administrative Arrangement, Canada shall pay to that person a partial Spouse's Allowance, calculated as prescribed by the Old Age Security Act.

3. Except for subsection 17.1 (6) of the Old Age Security Act, the Spouse's Allowance is payable only in the territory of Canada.

CHAPTER 3. SURVIVOR'S BENEFIT, INVALIDITY BENEFIT, CHILDREN'S BENEFIT AND DEATH BENEFIT

Article X. 1. The provisions of this Article shall apply to survivor's benefit, invalidity benefit, children's benefit and death benefit to the extent that the nature of the benefit may require.

2. If a person is entitled to a benefit on the basis of the periods credited under the legislation of one Party without recourse to the provisions of the succeeding paragraphs of this Article, the benefit shall be payable in the territory of the other Party.

3. If a person is not entitled to a benefit solely on the basis of the periods credited under the legislation of one of the Parties, entitlement to the benefit shall be determined by totalizing the credited periods in accordance with the provisions of the succeeding paragraphs of this Article. For the purposes of survivor's benefits, children's benefits and death benefits only, any reference in this Article to a credited period shall be construed as applying to the person by virtue of whose contributions a benefit is being claimed.

4. *a)* For the purposes of establishing entitlement to a benefit payable by Canada under paragraph 5 of this Article, a year including at least seventy-five days of insurance under the legislation of Greece shall be accepted as a year for which contributions have been made under the Canada Pension Plan.

b) The provisions of Article VIII 4 (b), (i), (ii), (iii) and (iv) shall apply for the purpose of establishing entitlement to any benefit payable by Greece under paragraph 5 of this Article.

5. *a)* The provisions of Article VIII (5) shall apply to this Article except, in relation to Canada, for calculation of the amount of the flat rate benefit payable under the Canada Pension Plan.

b) The amount of the flat rate benefit under the Canada Pension Plan is the amount obtained by multiplying:

- (i) The amount of the flat rate 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 total of the periods of contributions to the Canada Pension Plan and of only those periods credited under the legislation of Greece required to satisfy the minimum requirements for entitlement under the Canada Pension Plan.

6. Any period of contribution under the legislation of Greece prior to the date upon which the contributor reached the age of 18 may be taken into consideration for determining an applicant's entitlement to a survivor's, orphan's, death or invalidity benefit under the legislation of Canada. However, no survivor's, orphan's, death or disability benefit may be paid unless the deceased contributor's or disabled person's contributory period under the Canada Pension Plan corresponds to at least the minimum qualifying period required by the legislation of Canada.

CHAPTER 4. COMMON PROVISIONS

Article XI. 1. In the event of totalization for a benefit under the provisions of Articles VIII, IX and X, if the total duration of the periods completed under the legislation of one Party is not one year, the competent institution or the competent authority of that Party shall not be required to award benefits in respect of those periods by virtue of this Agreement.

2. These periods shall, however, be taken into consideration by the institution or authority of the other Party to establish entitlement to the benefits of that Party through totalization.

3. For the purpose of this Article “periods completed under the legislation of one Party” means for Canada, in addition to credited periods, any period of residence mentioned in paragraph 4 (a) of Article VIII.

CHAPTER 5. LUMP SUM BENEFIT ON RETIREMENT

Article XII. The lump sum benefit payable in Greece under Law 435/76, Article 5, by the employer to an employee who retires to collect an old age pension will also be payable in Canada.

CHAPTER 6. CASH MATERNITY BENEFITS

Article XIII. Cash maternity benefits payable in Greece under the applicable legislation of the competent institution will also be payable in Canada.

PART III. MISCELLANEOUS PROVISIONS

Article XIV. The modalities of application of this Agreement will be set out in an Administrative Arrangement between the competent authorities of the Parties. The liaison agencies will be designated therein.

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

- a) Shall communicate to each other any information necessary in respect of the application of this Agreement;
- b) Shall lend their good offices and furnish assistance free of charge to one another with regard to any matter relating to the application of this Agreement;
- 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 insofar as these changes affect the application of this Agreement.

2. Unless disclosure is required under the national statutes of a Party, information about an individual which is transmitted in accordance with the Agreement to that Party by the other Party is confidential and shall be used exclusively for the purposes of implementing this Agreement.

Article XVI. 1. Any exemption from, or reduction of charges provided for in the legislation of one Party in connection with the issuing of any 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 Party.

2. Any acts or documents of an official nature required for the application of this Agreement shall be exempt from certification or similar formality.

Article XVII. Any claim, notice or appeal which should, for the purposes of the legislation of one of the Parties, have been presented within a prescribed period to the competent authority of that Party or one of its institutions responsible for the application of this Agreement, but which is in fact presented within the same period to the corresponding authority or institution of the other Party, shall be treated as if it had been presented to the authority or institution of the former Party. In such cases, the authority or institution of the latter Party shall, as soon as possible, arrange for the claim, notice or appeal to be sent to the authority or institution of the former Party.

Article XVIII. For the application of this Agreement, the competent authorities and institutions of the two Parties may communicate in one or the other of the official languages of the Parties.

Article XIX. The competent authorities of the two Parties will make every effort to resolve any difficulty in the interpretation or application of this Agreement, according to its spirit and fundamental principles.

Article XX. 1. 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.

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

3. Except where otherwise provided in this Agreement, any credited period established before the date of entry into force of the Agreement shall be taken into account for the purpose of determining the right to benefit under this Agreement.

4. Subject to the provisions of paragraphs 1, 2 and 3 of this Article, pension, allowance or benefit shall be payable under this Agreement in respect of events which happened before the date of entry into force of this Agreement.

Article XXI. The competent authority of Greece and the competent authorities of the provinces of Canada may conclude understandings concerning any social security legislation within provincial jurisdiction insofar as those understandings are not inconsistent with the provisions of this Agreement.

Article XXII. 1. This Agreement shall enter into force, after the conclusion of the Administrative Arrangement, on the first day of the second month following the date of exchange of the instruments of ratification.

2. This Agreement shall remain in force without any limitation on its duration. It may be denounced by one of the two Parties giving twelve months' notice in writing to the other.

DONE in duplicate, at Athens this 7th day of May 1981, in the English, French and Greek languages, each text being equally authentic.

For Canada:

[Signed]

JAMES SYDNEY FLEMING

For the Hellenic Republic:

[Signed]

GERASSIMOS APOSTOLATOS