

AGREEMENT ON SOCIAL SECURITY

between

Canada and the Hellenic Republic

The Government of Canada

and

the Government of the Hellenic Republic,

Noting the Agreement with respect to Social Security between Canada and the Hellenic Republic, signed at Athens on 7 May 1981,

Desiring to strengthen even further the relations between them in the field of social security, and

Taking into account changes in legislation since the signing of the Agreement,

Have agreed as follows:

PART I
GENERAL PROVISIONS

Article I
Definitions

1. For the purposes of this Agreement:
 - (a) "benefit" means, as regards a Party, any benefit for which provision is made in the legislation specified in Article II(1) with respect to that Party, and includes any supplements or increases applicable to such a benefit;
 - (b) "competent authority" means, as regards Canada, the Minister or Ministers responsible for the application of the legislation of Canada; and, as regards Greece, the Ministry of Labour and Social Security;
 - (c) "competent institution" means, as regards Canada, the competent authority; and, as regards Greece, the institution or authority responsible for the application of the legislation specified in Article II(1)(b);
 - (d) "creditable period" means, as regards Canada, a period of contributions or residence used to acquire the right to a benefit under the legislation of Canada, and includes any period during which a disability pension is payable under the *Canada Pension Plan*; and, as regards Greece, a period of insurance used to acquire the right to a benefit under the legislation of Greece, and includes any period defined under that legislation as equivalent to a period of insurance or recognized as such;
 - (e) "Government of Canada" means the Government in its capacity as representative of Her Majesty the Queen in right of Canada and represented by the Minister of Employment and Immigration;

- (f) "legislation" means, as regards a Party, the legislation specified in Article II(1) with respect to that Party;
 - (g) "territory" means, as regards Canada, the territory of Canada; and, as regards Greece, the territory of the Hellenic Republic.
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 following legislation:
- (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 Greece:

for old age, invalidity and survivors' benefits:

 - (i) the general social security legislation applicable to salaried and assimilated workers,
 - (ii) 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, other than the special legislation concerning the pensions of public servants and the legislation concerning seafarers, and

- (iii) the legislation concerning persons insured under the O.G.A. system (Agricultural Insurance Organization);

for the purposes of Article V only:

- (iv) the special legislation concerning the pensions of public servants and the legislation concerning seafarers,
- (v) the legislation providing for cash maternity and death benefits, and
- (vi) Law 435/76, Article 5, providing for a lump-sum payment which is granted on retirement;

and, for the purposes of Article VI only:

- (vii) all aspects of the legislation specified in sub-paragraphs (b)(i), (ii) and (iii), to the extent that they relate to the obligation to pay contributions for any branch of social security for which provision is made in that legislation.

2. Subject to paragraph 3, this Agreement shall also apply to laws, regulations and decrees which amend, supplement, consolidate or supersede the legislation specified in paragraph 1.
3. This Agreement shall apply to laws, regulations and decrees which extend the legislation of a Party to new categories of beneficiaries or to new benefits unless an objection on the part of that Party has been communicated to the other Party not later than 3 months following the entry into force of such laws, regulations and decrees.

Article III

Persons to Whom the Agreement Applies

This Agreement shall apply to any person who is or who has been subject to the legislation of Canada or Greece, and to the dependants and survivors of such a person within the meaning of the applicable legislation of either Party.

Article IV

Equality of Treatment

Any person who is or who has been subject to the legislation of a Party, and the dependants and survivors of such a person, shall be subject to the obligations of the legislation of the other Party and shall be eligible for the benefits of that legislation under the same conditions as citizens of the latter Party.

Article V

Payment of Benefits Abroad

1. Unless otherwise provided in this Agreement, benefits payable under the legislation of a Party to any person described in Article III, 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 person resides in the territory of the other Party, and these benefits shall be paid in the territory of the other Party.
2. Benefits payable under this Agreement to a person who is or who has been subject to the legislation of both Parties, or to the dependants or survivors of such a person, shall be paid in the territory of a third State.

PART II

PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article VI

Rules Regarding Coverage

1. Subject to the following provisions of this Article:
 - (a) an employed person who works in the territory of a Party shall, in respect of that work, be subject only to the legislation of that Party;
 - (b) a self-employed person who ordinarily resides in the territory of a Party and who works for his or her own account in the territory of the other Party or in the territories of both Parties shall, in respect of that work, be subject only to the legislation of the first Party.
2. An employed person who is subject to the legislation of a Party 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 first Party as though those services were performed in its territory. In the case of an assignment to the territory of the other Party, this coverage may not be maintained for more than 60 months without the prior consent of the competent authorities of both Parties.
3. A person who, but for this Agreement, would be subject to the legislation of both Parties 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 Canada if he or she ordinarily resides in the territory of Canada and only to the legislation of Greece in any other case.
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 or she is a citizen thereof or ordinarily resides in its territory. In the latter case, that person may, however, elect to be subject only to the legislation of the first Party if he or she is a citizen thereof.

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

Article VII
Voluntary Insurance
under the Legislation of Greece

In determining eligibility for voluntary insurance in accordance with Greek legislation, creditable periods completed by a person under the *Canada Pension Plan* shall be considered as creditable periods completed under Greek legislation, if the person fulfils the other requirements provided in the Greek legislation.

Article VIII
Definition of Certain Periods of Residence
with Respect to the Legislation of Canada

For the purpose of determining entitlement and calculating the amount of benefits under the *Old Age Security Act*:

- (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 Greece, that period shall be considered as a period of residence in Canada for that person as well as for that person's spouse and dependants who reside with him or her and who are not subject to the legislation of Greece by reason of employment; and
- (b) if a person is subject to the legislation of Greece during any period of residence in the territory of Canada, that period shall not be considered as a period of residence in Canada for that person and for that person's spouse and dependants who reside with him or her 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.

PART III
PROVISIONS CONCERNING BENEFITS

CHAPTER 1
TOTALIZING

Article IX

Periods under the Legislation of Canada and Greece

1. If a person is not entitled to the payment of a benefit because he or she has not accumulated sufficient creditable periods under the legislation of a Party, the entitlement of that person to the payment of that benefit shall be determined by totalizing these periods and, to the extent necessary, periods completed under the legislation of the other Party, as specified in paragraphs 2 through 4, provided that the periods do not overlap.
2. (a) For purposes of determining entitlement to the payment of a benefit under the *Old Age Security Act* of Canada, a creditable period under the legislation of Greece or a period of residence in Greece, after the age at which periods of residence in Canada are creditable for purposes of that Act, shall be considered as a period of residence in the territory of Canada.
- (b) For purposes of determining entitlement to the payment of a benefit under the *Canada Pension Plan*, a calendar year including at least 75 days which are creditable periods under the legislation of Greece shall be considered as a year which is creditable under the *Canada Pension Plan*.

3. For purposes of determining entitlement to the payment of a benefit under the legislation of Greece:
 - (a) a calendar year which is a creditable period under the *Canada Pension Plan* shall be considered as 300 days which are creditable under the legislation of Greece; and
 - (b) a calendar month which is a creditable period under the *Old Age Security Act* of Canada and which is not part of a creditable period under the *Canada Pension Plan* shall be considered as 25 days which are creditable under the legislation of Greece.

Article X

Periods under the Legislation of a Third State

If a person is not entitled to the payment of a benefit on the basis of the creditable periods under the legislation of the Parties, totalized as provided in Article IX, the entitlement of that person to the payment of that benefit shall be determined by totalizing these periods and creditable periods under the legislation of a third State with which both Parties are bound by social security instruments which provide for the totalizing of periods.

Article XI

Minimum Period to be Totalized

Notwithstanding any other provision of this Agreement, if the total duration of the creditable periods accumulated by a person under the legislation of a Party is less than one year and if, taking into account only those periods, no right to a benefit exists under that legislation, the competent institution of that Party shall not be required to award benefits to that person in respect of those periods by virtue of this Agreement.

CHAPTER 2
BENEFITS UNDER THE LEGISLATION OF CANADA

Article XII

Benefits under the Old Age Security Act

1. If a person is entitled to the payment of a pension or a spouse's allowance solely through the application of the totalizing provisions of Chapter 1, the competent institution of Canada shall calculate the amount of the pension or spouse's allowance payable to that person in conformity with the provisions of the *Old Age Security Act* governing the payment of a partial pension or a spouse's allowance, exclusively on the basis of the periods of residence in Canada which may be considered under that Act.
2. Paragraph 1 shall also apply to a person who is entitled to the payment of a pension in Canada but who has not resided in Canada for the minimum period required by the *Old Age Security Act* for entitlement to the payment of a pension outside Canada.
3. Notwithstanding any other provision of this Agreement:
 - (a) an Old Age Security pension shall be paid to a person who is outside Canada only if that person's periods of residence, when totalized as provided in Chapter 1, are at least equal to the minimum period of residence in Canada required by the *Old Age Security Act* for entitlement to the payment of a pension outside Canada; and
 - (b) a spouse's allowance and a guaranteed income supplement shall be paid to a person who is outside Canada only to the extent permitted by the *Old Age Security Act*.

Article XIII

Benefits under the Canada Pension Plan

If a person is entitled to the payment of a benefit solely through the application of the totalizing provisions of Chapter 1, the competent institution of Canada shall calculate the amount of benefit payable to that person in the following manner:

- (a) the earnings-related portion of the benefit shall be determined in conformity with the provisions of the *Canada Pension Plan*, exclusively on the basis of the pensionable earnings under that Plan; and

- (b) the flat-rate portion of the benefit shall be determined by multiplying:
 - (i) the amount of the flat-rate portion of the benefit determined in conformity with the provisions of the *Canada Pension Plan*

by

 - (ii) the fraction which represents the ratio of the periods of contributions to the *Canada Pension Plan* in relation to the minimum qualifying period required under that Plan to establish entitlement to that benefit, but in no case shall that fraction exceed the value of one.

CHAPTER 3
BENEFITS UNDER THE LEGISLATION OF GREECE

Article XIV

Calculating the Amount of Benefit Payable

1. If a person is entitled to a Greek benefit without regard to the totalizing provisions of Chapter 1, the amount of the benefit shall be calculated according to the Greek legislation on the basis of the creditable periods completed under that legislation.

2. If a person is entitled to the payment of a benefit solely through the application of the totalizing provisions of Chapter 1, the benefit due under Greek legislation shall be determined as follows:
 - (a) The Greek competent institution shall first calculate the amount of the benefit which would have been awarded to the person concerned (theoretical amount) if the creditable periods completed under the legislation of Canada and totalized according to the totalizing provisions of Chapter 1 to establish eligibility for old-age, invalidity and survivors benefits had been completed under its own legislation.
 - (b) For the calculation of the amount of the benefit, the competent institution shall take into account the salary (earnings), income or contributions paid during creditable periods completed under Greek legislation.
 - (c) If the amount, as determined above, is less than the minimum benefit provided under Greek legislation, the minimum benefit amount shall be taken into account.
 - (d) If the benefit amount is not dependent on the length of the creditable periods, this amount shall be considered to be the theoretical amount.

- (e) Based on the amount calculated according to the preceding subparagraphs of this paragraph, the competent institution shall calculate the partial benefit payable by it according to the ratio between the length of the creditable periods completed under its own legislation and the total duration of the creditable periods which have been taken into account.
3. For the determination of the kind of benefit and the competent institution, only Greek creditable periods shall be taken into account.
4. If the award of certain benefits under Greek legislation depends on the condition that creditable periods be completed in a profession covered by a special scheme, creditable periods completed under the *Canada Pension Plan* in the same profession or the same employment shall be taken into account for the award of these benefits. If, taking into account the periods thus completed, the person concerned does not meet the required conditions, these periods shall be taken into account for the award of benefits under the general system.

PART IV

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Article XV

Administrative Arrangement

1. The competent authorities of the Parties shall establish, by means of an administrative arrangement, the measures necessary for the application of this Agreement.
2. The liaison agencies of the Parties shall be designated in that arrangement.

Article XVI

Exchange of Information and Mutual Assistance

1. The competent authorities and institutions responsible for the application of this Agreement:
 - (a) shall, to the extent permitted by the legislation which they administer, 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 the determination of entitlement to, or payment of, any benefit under this Agreement, or the legislation to which this Agreement applies, as if the matter involved the application of their own legislation; and
 - (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 subparagraph 1(b) shall be provided free of charge, subject to any provision contained in an administrative arrangement concluded pursuant to Article XV for the reimbursement of certain types of expenses.
3. Unless disclosure is required under the laws of a Party, any information about a person which is transmitted in accordance with this Agreement to that Party by the other Party is confidential and shall be used only for purposes of implementing this Agreement and the legislation to which this Agreement applies.

Article XVII

Exemption or Reduction of Taxes, Dues, Fees or Charges

1. Any exemption from or reduction of taxes, legal dues, consular fees or administrative charges for which provision is made in the legislation of a 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 documents of an official nature required to be produced for the application of this Agreement shall be exempt from any authentication by diplomatic or consular authorities and similar formality.

Article XVIII

Language of Communication

For the application of this Agreement, the competent authorities and institutions of the Parties may communicate directly with one another in any official language of either Party.

Article XIX

Submitting Claims, Notices or Appeals

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

2. Subject to the second sentence of this paragraph, a claim for benefit under the legislation of a Party made after the date of entry into force of this Agreement shall be deemed to be a claim for the corresponding benefit under the legislation of the other Party, provided that the applicant at the time of application:
 - (a) requests that it be considered an application under the legislation of the other Party, or
 - (b) provides information indicating that creditable periods have been completed under the legislation of the other Party.

The preceding sentence shall not apply if the applicant requests that his or her claim to the benefit under the legislation of the other Party be delayed.

3. In any case to which paragraph 1 or 2 applies, 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 Party.

Article XX

Payment of Benefits

1. The competent institution of a Party shall discharge its obligations under this Agreement in the currency of that Party.
2. Benefits shall be paid to beneficiaries free from any deduction for administrative expenses that may be incurred in paying the benefits.

Article XXI

Resolution of Difficulties

1. The competent authorities of the Parties shall resolve, to the extent possible, any difficulties which arise in interpreting or applying this Agreement according to its spirit and fundamental principles.
2. The Parties shall consult promptly at the request of either Party concerning matters which have not been resolved by the competent authorities in accordance with paragraph 1.
3. Any dispute between the Parties concerning the interpretation of this Agreement which has not been resolved or settled by consultation in accordance with paragraph 1 or 2 shall, at the request of either Party, be submitted to arbitration by an arbitral tribunal.
4. Unless the Parties mutually determine otherwise, the arbitral tribunal shall consist of 3 arbitrators, of whom each Party shall appoint one and the two arbitrators so appointed shall appoint a third who shall act as president; provided that if the two arbitrators fail to agree, the President of the International Court of Justice shall be requested to appoint the president.
5. The arbitral tribunal shall determine its own procedures.
6. The decision of the arbitral tribunal shall be final and binding.

Article XXII

Understandings with a Province of Canada

The relevant authority of Greece 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 XXIII

*Consideration of Previous Events and Periods
and Transitional Provisions*

1. Any creditable period completed 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 this Agreement.
2. Subject to paragraph 4, 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 this Agreement.
3. Subject to paragraph 2, a benefit, other than a lump-sum payment, shall be paid under this Agreement in respect of events which happened before the date of entry into force of this Agreement.
4. Claims for benefits under consideration on the date of entry into force of this Agreement, and claims for such benefits received after that date where entitlement would exist prior to that date through the application of the Agreement with respect to Social Security between Canada and the Hellenic Republic, signed at Athens on 7 May 1981, shall be determined according to that Agreement in regard to rights established up to the date of entry into force of this Agreement, and according to this Agreement in regard to rights arising from this Agreement.

Article XXIV

Termination of the Agreement of 7 May 1981 and Recalculation of Benefits

1. With the entry into force of this Agreement, the Agreement with respect to Social Security between Canada and the Hellenic Republic, signed at Athens on 7 May 1981, shall be terminated.

2.
 - (a) A benefit awarded through the application of the Agreement referred to in paragraph 1 shall be recalculated by the competent institution, on request by the beneficiary or at the initiative of the competent institution, taking into account the provisions of this Agreement.

 - (b) If a request for recalculation is submitted to a competent institution within 24 months of the date of entry into force of this Agreement, the recalculation shall have effect from that date, without the provisions of the legislation of a Party regarding the expiration or prescription of entitlement being applied to the individual.

 - (c) If a request for recalculation is submitted to a competent institution later than 24 months from the date of entry into force of this Agreement, the recalculation shall have effect from the date of submission of the request in respect of rights that are neither expired nor prescribed.

 - (d) In no case shall the amount of a benefit be reduced as a result of such recalculation.

Article XXV

Entry into Force and Denunciation

1. This Agreement shall enter into force on the first day of the fourth month following the month in which each Party shall have received from the other Party written notification that it has complied with all statutory requirements for the entry into force of this Agreement.
2. This Agreement shall remain in force without any limitation on its duration. It may be denounced at any time by either Party giving 12 months' notice in writing to the other Party.
3. In the event of the denunciation 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.

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

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

Done in two copies at Toronto, this 10th day of November 1995, in the English, French and Greek languages, each text being equally authentic.

Fait en deux exemplaires à Toronto, ce 10^e jour de novembre 1995, dans les langues française, anglaise et grecque, chaque texte faisant également foi.

*For the Government of Canada
Pour le Gouvernement du Canada*

*For the Government of the Hellenic Republic
Pour le Gouvernement de la République Hellénique*