

**AGREEMENT ON SOCIAL SECURITY
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF
THE REPUBLIC OF SLOVENIA**

***THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA,***

hereinafter referred to as “the Parties”,

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
GENERAL PROVISIONS**

**ARTICLE 1
*Definitions***

1. For the purposes of this Agreement:

“benefit” means, as regards a Party, any cash benefit, pension or allowance for which provision is made in the legislation of that Party and includes any supplements or increases applicable to such a cash benefit, pension or allowance;

“competent authority” means, as regards Canada, the Minister or Ministers responsible for the application of the legislation of Canada; and, as regards Slovenia, the ministry responsible for labour;

“competent institution” means, as regards Canada, the competent authority; and, as regards Slovenia, the institute responsible for the application of the legislation specified in Article 2(1)(b);

“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 Slovenia, a period of contributions, employment or occupational activity which is a period of insurance under the legislation of Slovenia or any other period deemed as such, and includes any special periods credited under the legislation of Slovenia;

“legislation” means, as regards a Party, the laws and regulations specified in Article 2(1) with respect to that Party.

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

**ARTICLE 2
*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 Slovenia:

the *Pension and Disability Insurance Act*, with the exception of the provisions applying to benefits for reduced working capacity.
2. Subject to paragraph 3, this Agreement shall also apply to laws and regulations which amend, supplement, consolidate or supersede the legislation specified in paragraph 1.
 3. This Agreement shall further apply to laws and regulations 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 and regulations.

ARTICLE 3

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 Slovenia, and to the dependants and survivors of such a person within the meaning of the applicable legislation of either Party.

ARTICLE 4

Equality of Treatment

Unless otherwise provided in this Agreement, 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 5
Export of Benefits

1. Unless otherwise provided in this Agreement, benefits payable under the legislation of a Party to any person described in Article 3, 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. These benefits shall be paid in the territory of the other Party.
2. Benefits under the legislation of a Party shall be paid to citizens of the other Party who reside in the territory of a third State under the same conditions as to citizens of the first Party residing in that third State.
3. As regards the legislation of Canada, paragraph 2 shall apply to any person described in Article 3.

PART II
PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

ARTICLE 6
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; and
 - (b) a self-employed person who 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 works in the territory of the other Party for the same or related employer shall, in respect of that work, be subject only to the legislation of the first Party as though that work were performed in its territory. In the case of an assignment, 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 resides in Canada and only to the legislation of Slovenia in any other case.
4. An employed person shall, in respect of the duties of a government employment for a Party 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 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 7
***Definition of Certain Periods of Residence
with Respect to the Legislation of Canada***

1. For the purpose of 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 presence or residence in Slovenia, 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 Slovenia by reason of employment or self-employment;
 - (b) if a person is subject to the legislation of Slovenia during any period of presence or residence in 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 or self-employment.
2. In the application of paragraph 1:

- (a) a person shall be considered to be subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada during a period of presence or residence in Slovenia only if that person makes contributions pursuant to the plan concerned during that period by reason of employment or self-employment; and
- (b) a person shall be considered to be subject to the legislation of Slovenia during a period of presence or residence in Canada only if that person makes compulsory contributions pursuant to that legislation during that period by reason of employment or self-employment.

PART III PROVISIONS CONCERNING BENEFITS

CHAPTER 1 TOTALIZING

ARTICLE 8 *Periods under the Legislation of Canada and Slovenia*

1. If a person is not eligible for a benefit because he or she has not accumulated sufficient creditable periods under the legislation of a Party, the eligibility of that person for that benefit shall be determined by totalizing these periods and those specified in paragraphs 2 through 4, provided that the periods do not overlap.
2.
 - (a) For purposes of determining eligibility for a benefit under the *Old Age Security Act* of Canada, a creditable period under the legislation of Slovenia shall be considered as a period of residence in Canada.
 - (b) For purposes of determining eligibility for a benefit under the *Canada Pension Plan*, a calendar year including at least 3 months which are creditable periods under the legislation of Slovenia shall be considered as a year which is creditable under the *Canada Pension Plan*.
3. For purposes of determining eligibility for an old age pension under the legislation of Slovenia:
 - (a) a calendar year which is a creditable period under the *Canada Pension Plan* shall be considered as 12 months which are creditable under the legislation of Slovenia; and

- (b) a 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 a month which is creditable under the legislation of Slovenia.
- 4. For purposes of determining eligibility for a disability or survivor's pension under the legislation of Slovenia, a calendar year which is a creditable period under the *Canada Pension Plan* shall be considered as 12 months which are creditable under the legislation of Slovenia.

ARTICLE 9

Periods under the Legislation of a Third State

- 1. If a citizen of a Party is not eligible for a benefit on the basis of the creditable periods under the legislation of the Parties, totalized as provided in Article 8, the eligibility of that person for that benefit shall be determined by totalizing these periods and creditable periods completed under the legislation of a third State with which both Parties are bound by social security instruments which provide for the totalizing of periods.
- 2. As regards the legislation of Canada, paragraph 1 shall apply to any person described in Article 3.

ARTICLE 10

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 the legislation of that Party, the competent institution of that Party shall not be required to pay a benefit to that person in respect of those periods by virtue of this Agreement.

CHAPTER 2
BENEFITS UNDER THE LEGISLATION OF CANADA

ARTICLE 11
Benefits under the Old Age Security Act

1. If a person is eligible for an Old Age Security 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 outside Canada who would be eligible for a full pension in Canada but who has not resided in Canada for the minimum period required by the *Old Age Security Act* for 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 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 12
Benefits under the Canada Pension Plan

If a person is eligible for 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 eligibility for that benefit, but in no case shall that fraction exceed the value of one.

CHAPTER 3

BENEFITS UNDER THE LEGISLATION OF SLOVENIA

ARTICLE 13

Calculating the Amount of Benefit Payable

1. If a person is eligible for a benefit under the legislation of Slovenia without the application of the totalizing provisions of Chapter 1, the competent institution of Slovenia shall determine the amount of the benefit payable exclusively on the basis of the creditable periods which that person has completed under the legislation of Slovenia.
2. If a person is eligible for a benefit under the legislation of Slovenia solely through the application of the totalizing provisions of Chapter 1, the competent institution of Slovenia shall calculate the amount of the benefit payable in the following manner:
 - (a) It shall first calculate the theoretical amount of the benefit which would be payable if the total creditable periods had been completed under the legislation of Slovenia.
 - (b) On the basis of that theoretical amount, it shall then calculate the actual amount of the benefit payable according to the ratio between the creditable periods completed under its own legislation and the total creditable periods.

- (c) In the application of sub-paragraph 2(a), only the creditable periods completed under the legislation of Slovenia shall be taken into account for determining the pension base for the calculation of the benefit.
- (d) In the application of sub-paragraph 2(b), if the total duration of the creditable periods exceeds the maximum period to be taken into account under the legislation of Slovenia, the partial amount payable shall be calculated according to the ratio between the creditable periods completed under the legislation of Slovenia and the maximum period specified in that legislation.

ARTICLE 14

Non-Exportable Benefits

Income supplement, attendance allowance and cash compensations payable under the legislation of Slovenia, in respect of disability, shall not be paid outside Slovenia.

PART IV

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

ARTICLE 15

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 16

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 for the purpose of determining eligibility for, or the amount of, any benefit under this Agreement, or under 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 sub-paragraph 1(b) shall be provided free of charge, subject to any provision contained in an administrative arrangement concluded pursuant to Article 15 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 17

Exemption or Reduction of Taxes, Dues, Fees and Charges

1. Any exemption from or reduction of taxes, legal dues, consular fees and 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 18

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 19

Submitting Claims, Notices and Appeals

1. Any claim, notice or appeal concerning eligibility for, or the amount 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. The date of presentation of the claim, notice or appeal to the authority or institution of the other Party shall be deemed to be the date of its presentation to the competent authority or institution of the first Party.
2. Subject to the second sentence of this paragraph, a claim for a 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, and/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 20
Payment of Benefits

1. (a) The competent institution of Canada shall discharge its obligations under this Agreement in the currency of Canada.
- (b) The competent institution of Slovenia shall discharge its obligations under this Agreement:
 - (i) in respect of a beneficiary resident in Slovenia, in the currency of Slovenia;
 - (ii) in respect of a beneficiary resident in Canada, in the currency of Canada;
 - (iii) in respect of a beneficiary resident in a third State, in the currency of that State or in any currency freely convertible in that State.
2. Benefits shall be paid to beneficiaries free from any deduction for administrative expenses that may be incurred in paying the benefits.
3. In the event that a Party imposes currency controls or other similar measures that restrict payments, remittances or transfers of funds or financial instruments to persons who are outside its territory, that Party shall, without delay, take suitable measures to ensure the payment of any amount that must be paid in accordance with this Agreement to persons described in Article 3 who reside in the territory of the other Party.

ARTICLE 21
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 2 arbitrators so appointed shall appoint a third who shall act as president; provided that if the 2 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 22
Understandings with a Province of Canada

The relevant authority of Slovenia 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 23
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 and its amount.
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 this Agreement.
3. Subject to paragraph 2, a benefit, other than a lump sum death benefit under the *Canada Pension Plan*, shall be paid under this Agreement in respect of events which happened before the date of entry into force of this Agreement.

ARTICLE 24
Duration and Termination

1. This Agreement shall remain in force without any limitation on its duration. It may be terminated at any time by either Party giving 12 months' notice in writing to the other Party.
2. 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.

ARTICLE 25
Entry into Force

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 requirements for the entry into force of this Agreement.

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

DONE *in duplicate at Ljubljana, this 17th day of May, 1998, in the English, French and Slovenian languages, each text being equally authentic.*

***FOR THE GOVERNMENT
OF CANADA***

SUSAN CARTWRIGHT

***FOR THE GOVERNMENT
OF THE REPUBLIC OF SLOVENIA***

NATASA BELOPAVLOVIC