

AGREEMENT - CANADA
INTERIM AGREEMENT ON SOCIAL SECURITY BETWEEN
THE GOVERNMENT OF ISRAEL AND THE GOVERNMENT OF
CANADA

THE GOVERNMENT OF ISRAEL
AND
THE GOVERNMENT OF CANADA,

Hereinafter referred to as "the Parties",

RESOLVED to co-operate in the field of Social security,

DESIRING, as a first stage in that co-operation, to regulate questions regarding liability for contributions,

HAVE AGREED AS FOLLOWS:

PART I GENERAL PROVISIONS

ARTICLE I Definitions

1. For the purposes of this Agreement:

"competent authority" means, as regards Israel, the Minister of Labour and Social Affairs; and, as regards Canada, the Minister or Ministers responsible for the application of the legislation of Canada;

"competent institution" means, as regards Israel, the National Insurance Institute; as regards Canada, the competent authority;

"legislation" means, as regards a Party, the laws and regulations specified in Article II with respect to that Party;

"liaison agency" means an agency which is responsible for co-ordination and the exchange of information between the competent institutions of the Parties, and which is involved in the application of this Agreement and informing the persons concerned of the rights and obligations stemming from it.

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 Israel:
 - the National Insurance Law (Consolidated Version) 5755-1995;

in so far as that legislation concerns matters which are the subject of Part II of this Agreement.

2. This Agreement shall also apply to laws and regulations which amend, supplement, consolidate or supersede the legislation specified in paragraph 1.

ARTICLE III Equality of Treatment

Subject to this Agreement,

- (a) the following persons who are residents of Israel shall be equated with citizens of Israel in the application of its legislation:
 - (i) citizens of Canada;
 - (ii) refugees, as defined in Article 1 of the Convention Relating to the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967 to that Convention;
 - (iii) stateless persons, as defined in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954;
- (b) any person who is or who has been subject to the legislation of Israel shall be subject to the obligations of the legislation of Canada and shall be eligible for the benefits of that legislation under the same conditions as citizens of Canada.

PART II PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

ARTICLE IV General Rule

Subject to the provisions of Articles V to X:

- (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;
- (c) a person who is neither an employed person nor a self-employed person and who resides in the territory of a Party shall be subject only to the legislation of that Party.

ARTICLE V Detached Workers

An employed person who is subject to the legislation of a Party and who is sent by his or her employer to work in the territory of the other Party for the same or a related employer shall, in respect of that work, be subject only to the legislation of the first Party as though that work was 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 institutions of the Parties.

ARTICLE VI Crew of Aircrafts

A person who is employed in the flight or cabin crew of an airline and who works in the territories of both Parties shall, in respect of that work, be subject only to the legislation of the Party in whose territory the airline has its head office. If, however, the person resides in the territory of the other Party, he or she shall be subject only to the legislation of the other Party.

ARTICLE VII Persons in Government Employment and Other Public Employees

1. This Agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961 or the general principles of customary international law regarding consular privileges and immunities.

2. Article V shall apply without limitation in time to persons in government employment and other public employees of a Party, other than those to whom paragraph 1 applies, who are assigned in the course of that employment to work in the territory of the other Party.

3. An employed person, other than a person to whom paragraph 1 or 2 applies, shall, in respect of his or her duties performed in the territory of a Party in government employment for the other Party, be subject only to the legislation of the first Party if he or she is a citizen thereof or resides in its territory.

ARTICLE VIII Exception Provision

The competent institution of Israel and the competent authority of Canada may agree on further exceptions to the provisions of Articles IV to VII in the interest of certain persons or categories of persons.

ARTICLE IX 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 Israel, 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 live with him or her and who are not subject to the legislation of Israel by reason of employment or self-employment;

(b) if a person is subject to the legislation of Israel 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 live 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 Israel only if that person makes contributions pursuant to

the plan concerned during that period by reason of employment or self-employment;

(b) a person shall be considered to be subject to the legislation of Israel 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.

ARTICLE X Definition of Certain Periods of Residence with Respect to the Legislation of Israel

A person who is subject to the legislation of Israel as a result of the application of Articles IV to VIII shall, as well as that person's spouse who resides with him and who is 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, be considered to be resident in Israel.

PART III ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

ARTICLE XI Administrative Arrangement

1. The competent institutions 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 XII Exchange of Information and Mutual Assistance

1. The liaison agencies of the Parties:

(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 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. 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 XIII 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 XIV 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 XV 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.

ARTICLE XVI Understandings with a Province of Canada

The Government of Israel and a province of Canada may conclude understandings conceding 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 IV

ARTICLE XVII 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.
3. The Agreement between the Government of Israel and the Government of Canada and relative to the Canada Pension Plan signed at Ottawa on 1 December 1980 shall not apply in regard to periods after the date of entry into force of this Agreement.

ARTICLE XVIII 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 Jerusalem, this 9th day April 2000

which corresponds to the 4th day of nissan 5760, in English, French and Hebrew languages, each text being equally authentic.

FOR THE GOVERNMENT OF ISRAEL

FOR THE GOVERNMENT OF CANADA