

**No. 46700**

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**Poland  
and  
Canada**

**Agreement on social security between the Republic of Poland and Canada (with administrative arrangement). Warsaw, 2 April 2008**

**Entry into force:** *1 October 2009 by notification, in accordance with article 30*

**Authentic texts:** *English, French and Polish*

**Registration with the Secretariat of the United Nations:** *Poland, 1 October 2009*

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**Pologne  
et  
Canada**

**Accord sur la sécurité sociale entre la République de Pologne et le Canada (avec arrangement administratif). Varsovie, 2 avril 2008**

**Entrée en vigueur :** *1<sup>er</sup> octobre 2009 par notification, conformément à l'article 30*

**Textes authentiques :** *anglais, français et polonais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Pologne, 1<sup>er</sup> octobre 2009*

**AGREEMENT ON SOCIAL SECURITY  
BETWEEN  
THE REPUBLIC OF POLAND  
AND  
CANADA**

***THE REPUBLIC OF POLAND***

***AND***

***CANADA***

*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:
  - (a) “legislation” means:
    - (i) as regards the Republic of Poland, the laws and other regulations specified in Article 2(1)(a), and
    - (ii) as regards Canada, the laws and regulations specified in Article 2(1)(b);
  - (b) “competent authority” means:
    - (i) as regards the Republic of Poland, the Minister competent for social security issues, and
    - (ii) as regards Canada, the Minister or Ministers responsible for the application of the legislation of Canada;
  - (c) “competent institution” means:
    - (i) as regards the Republic of Poland, the institution which is competent for the application of the legislation, and
    - (ii) as regards Canada, the competent authority;
  - (d) “creditable period” means:
    - (i) as regards the Republic of Poland, a period used to acquire the right to a benefit under the legislation of the Republic of Poland which includes periods of contribution, equivalent periods and periods of non-contribution, and
    - (ii) as regards Canada, a period of contribution used to acquire the right to a benefit under the *Canada Pension Plan*, a period during which a disability pension is payable under that Plan or a period of residence used to acquire the right to a benefit under the *Old Age Security Act*;
  - (e) “benefit” means any cash benefit for which provision is made in the legislation of each Party and includes any supplements or increases applicable to such a cash benefit;

- (f) “territory” means:
  - (i) as regards the Republic of Poland, the territory of the Republic of Poland, and
  - (ii) as regards Canada, the territory of Canada.
- 2. Any term not defined in this Article has the meaning assigned to it in the applicable legislation of either Party.

## **ARTICLE 2**

### **Material Scope**

- 1. This Agreement shall apply to the legislation concerning:
  - (a) with respect to the Republic of Poland, to the following benefits under social insurance and social insurance for farmers:
    - (i) old age, work disability and family pensions,
    - (ii) one-time indemnity payments and pensions awarded as a result of work accidents and occupational diseases, and
    - (iii) funeral grants;
  - (b) 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.
- 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 three months following the entry into force of such laws and regulations.

**ARTICLE 3**  
**Personal Scope**

This Agreement shall apply to any person who is or who has been subject to the legislation of one or both Parties, as well as to other persons who derive rights from such a person.

**ARTICLE 4**  
**Equality of Treatment**

Any person described in Article 3 shall be subject to the obligations of the legislation of the other Party and shall be eligible for the benefits of that legislation and 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 or cancellation by reason only of the fact that the person resides in the territory of the other Party.
2. With respect to the Republic of Poland, paragraph 1 shall not apply to benefits granted under special procedure or under exceptional circumstances.
3. Benefits payable under this Agreement to a person who is or who has been subject to the legislation of both Parties, or to a person who derives rights from such a person, shall be paid when that person, or a person who derives rights from such a person, resides in the territory of a third State, under the same conditions as its own citizens residing in the territory of a third State.