

FINAL PROTOCOL

To the Convention on Social Security between Canada and the Federal Republic of Germany

At the time of signing the Convention on Social Security concluded this day between Canada and the Federal Republic of Germany, the plenipotentiaries of both Contracting Parties stated that agreement existed on the following points:

1. Re Article 2 of the Convention:

Subject to the agreement of the Contracting Parties, the Convention relates to legislation that may be enacted by a province of Canada, other than the Province of Quebec, regarding a comprehensive pension plan within the meaning thereof contained in the Canada Pension Plan.

2. Re Article 3 of the Convention:

The German legislation which guarantees participation of the insured and of the employers in the organs of self-government of the institutions and of the associations of institutions, as well as in the adjudication of social security matters, shall remain unaffected.

3. Re Articles 3 and 4 of the Convention:

- (a) The legislation referred to in sub-subparagraph (i) of subparagraph (b) of Paragraph (1) of Article 2, shall remain unaffected to the extent that it requires that a person be resident in the territory of Canada for a certain period of time before he or she may acquire the right to claim a pension and before the pension may be paid abroad.
- (b) The legislation regarding the payment of a Guaranteed Income Supplement under the Canadian Old Age Security Act shall not be affected.

4. Re Articles 3 and 5 of the Convention:

Provisions relating to the apportionment of insurance burdens that may be contained in international treaties shall not be affected.

5. Re Article 4 of the Convention:

- (a) Paragraph (1) shall apply in the case of cash benefits paid out of the German Accident Insurance Scheme to beneficiaries who ordinarily reside as Canadian nationals in the territory of a Canadian province, provided that the laws or regulations in force in that province regarding statutory accident insurance provide for payment of corresponding cash benefits to German nationals ordinarily resident within the territory of the Federal Republic of Germany. This shall also apply mutatis mutandis with regard to the persons referred to in subparagraphs (b) and (c) of Paragraph (1) of Article 3 who are ordinarily resident in Canada within the territory of one of that country's provinces, provided that the legislation of that province regarding statutory accident insurance provides for the payment of corresponding cash benefits to the persons referred to in subparagraphs (b) and (c) of