

PART II

PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

ARTICLE 3

1. For the purposes of this Article, "institution" means, as regards Canada, the Source Deductions Division, Department of National Revenue, Taxation and, as regards Spain, the Instituto Nacional de la Seguridad Social.
2. (a) When the legislation of a Party is applicable in the circumstances described in paragraph 2 of Article 6 of the Convention, the institution of that Party will, at the request of the employed person or his employer, issue a certificate certifying, in respect of the services in question, that the employed person is subject to that legislation until the date indicated.
(b) When the legislation of a Party is applicable following an election under paragraph 5 of this Article, the institution of that Party will issue a certificate certifying, in respect of the employment in question, that the employed person is subject to that legislation.
(c) A certificate issued under this paragraph will be taken as evidence that the employed person is not subject to the legislation of the other Party in respect of the same employment or services.
3. (a) The institution of the Party that has issued a certificate under paragraph 2 of this Article will send copies of it to the employed person as well as to that person's employer and the institution of the other Party.
(b) The certificates will be issued on forms agreed on by the institutions of both Parties.
4. (a) If coverage under the legislation of a Party is to be maintained for more than twenty-four months in the circumstances described in paragraph 2 of Article 6 of the Convention, the consent of the competent authorities must be requested before the end of the current term of coverage. The request must be sent to the institution of the Party whose legislation is to continue to apply, which will forward it without delay to the appropriate competent authority.
(b) For the purposes of paragraph 2 of Article 6 of the Convention, if the employed person is already performing the services in question in the territory of the other Party at the date of the entry into force of the Convention, the twenty-four month period will be counted from that date.
5. (a) An employed person wishing to make an election in the circumstances described in paragraph 3 of Article 6 of the Convention must give notice, through his employer, to the institution of the Party whose legislation is to apply within six months after the duties of the employment are undertaken or, if the person is already performing those