AGREEMENT ON SOCIAL SECURITY
BETWEEN
THE REPUBLIC OF MOLDOVA
AND
CANADA

THE REPUBLIC OF MOLDOVA AND CANADA *(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, for a Party, any monetary benefit that is payable under the legislation of that Party and includes any supplements or increases applicable to that monetary benefit;

"competent authority" means:

for the Republic of Moldova, the Ministry or Ministries responsible for the application of the legislation of the Republic of Moldova; and

for Canada, the Minister or Ministers responsible for the application of the legislation of Canada;

"competent institution" means:

for the Republic of Moldova, the institution responsible for the application of the legislation of the Republic of Moldova; and

for Canada, the competent authority;

"creditable period" means:

for the Republic of Moldova, a period during which state social insurance contributions are paid, as well as other periods which, according to the legislation, are considered to be assimilated to insurance periods.

for Canada,

(a) a period of contribution used to acquire the right to a benefit under the Canada Pension Plan;

(b) a period during which a disability benefit is paid under the Canada Pension Plan; or

(c) a period of residence used to acquire the right to a benefit under the Old Age Security Act;

"legislation" means, for a Party, the laws and regulations referred to in Article 2; and

"residence" means, for the Republic of Moldova, a permanent place of residence.

2. A term used in this Agreement that is not defined in this Article has the meaning assigned to it in the Parties' respective domestic laws.

ARTICLE 2

LEGISLATIVE SCOPE

1. This Agreement applies to the following legislation:

(a) for the Republic of Moldova:

(i) the legislation concerning the public pension system that covers the old age pension;

(ii) the legislation concerning the public pension system that covers the disability pension due to a common illness;

(iii) the legislation concerning the public pension system that covers the disability pension and disability benefit caused by a work accident or professional disease; and

(iv) the legislation concerning the public pension system that covers the survivor's pension.

(b) for Canada:

(i) the Old Age Security Act and its regulations; and

(ii) the Canada Pension Plan and its regulations;

2. This Agreement applies to any laws or regulations that amend, supplement, consolidate, or supersede the legislation referred to in paragraph 1.

3. This Agreement applies to any laws and regulations that extend the legislation of a Party to include a new category of persons or to include a new benefit unless the Party that implements the changes advises the other Party, within six months of the entry into force of those laws or regulations, that this Agreement does not apply to that new category of persons or to that new benefit.

ARTICLE 3

PERSONAL SCOPE

This Agreement applies to a person who is or who has been subject to the legislation of the Republic of Moldova or Canada, or both Parties, and to any other person who derives eligibility for a benefit from that first person under the legislation of a Party.

ARTICLE 4

EQUALITY OF TREATMENT

Unless otherwise provided in this Agreement, a Party shall ensure that a person described in Article 3 is treated equally in regard to eligibility for a benefit and obligations under the legislation of that Party.

ARTICLE 5

EXPORT OF BENEFITS

1. Unless otherwise provided in this Agreement, a Party shall not reduce, modify, suspend, or cancel a benefit payable to a person described in Article 3, based only on the fact that the person resides in or is present in the territory of the other Party. A Party shall pay that benefit when that person resides in or is present in the territory of the other Party or in the territory of a third State.

2. For the Republic of Moldova, the export of benefits does not apply to allowances, pensions for length of service and special pensions for certain categories of citizens granted in accordance with the legislation of the Republic of Moldova.

3. For Canada, an allowance and a guaranteed income supplement is payable to a person who is outside Canada if it is permitted by the Old Age Security Act.

PART II

PROVISIONS CONCERNING

THE APPLICABLE LEGISLATION

ARTICLE 6

GENERAL RULE FOR EMPLOYED AND SELF-EMPLOYED PERSONS

Subject to Articles 7 to 10:

(a) An employed person who works in the territory of a Party is, in regard to that work, subject only to the legislation of that Party.

(b) A person who resides in the territory of a Party and who is self-employed in the territory of the other Party or in the territories of both Parties is, in regard to that work, only subject to the legislation of the first Party.

ARTICLE 7

DETACHMENTS

An employed person who is subject to the legislation of a Party and who is sent by that person's employer to work in the territory of the other Party is, in regard to that work, subject only to the legislation of the first Party, as if that person's work was performed in the territory of the first Party. The consent of both Parties is required to extend the detachment beyond a period of 60 months.

ARTICLE 8

CREWS OF SHIPS AND AIRCRAFTS

A person who is subject to the legislation of both Parties for employment as a member of the crew of a ship or aircraft is, in respect to that employment, subject only to the legislation of the Party where that person resides.

ARTICLE 9

DIPLOMATIC, CONSULAR, AND GOVERNMENT EMPLOYMENT

1. The social security provisions of the Vienna Convention on Diplomatic Relations of 18 April, 1961, and the Vienna Convention on Consular Relations of 24 April, 1963, continue to apply, notwithstanding this Agreement.

2. A person who is employed by the government of a Party and who is sent by that Party to work in the territory of the other Party is subject only to the legislation of the first Party in regard to that employment.

ARTICLE 10

EXCEPTIONS

The Parties may jointly consent to modify the application of Articles 6 to 9 in the interest of any person or category of persons.

ARTICLE 11

COVERAGE AND RESIDENCE UNDER THE LEGISLATION OF CANADA

1. For the purpose of calculating a benefit under the Old Age Security Act:

(a) if during any period of presence or residence in the Republic of Moldova, a person is subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada, Canada shall consider that period to be a period of residence in Canada for that person; Canada shall also consider that period to be a period of residence in Canada for that person's spouse or common-law partner and dependants who accompany that person and who are not subject to the legislation of the Republic of Moldova by reason of employment or self-employment;

(b) if a person is subject to the legislation of the Republic of Moldova during any period of presence or residence in Canada, Canada shall determine if that period for that person, and for that person's spouse or common-law partner and dependants who accompany that person, is considered a period of residence in Canada in accordance with the provisions of the Old Age Security Act.

2. For the purposes of paragraph 1:

(a) Canada shall consider that a person is 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 the Republic of Moldova only if, during that period, that person makes a contribution pursuant to the plan by reason of employment or self-employment;

(b) Canada shall consider that a person is subject to the legislation of the Republic of Moldova during a period of presence or residence in Canada only if, during that period, that person makes a compulsory contribution pursuant to that legislation by reason of employment or self-employment.

PART III

PROVISIONS CONCERNING BENEFITS

CHAPTER 1

TOTALIZING

ARTICLE 12

PERIODS UNDER THE LEGISLATION OF CANADA AND THE REPUBLIC OF MOLDOVA

1. If a person is not eligible for a benefit because that person does not have sufficient creditable periods under the legislation of a Party, that Party shall determine the eligibility of that person for that benefit by totalizing the creditable periods and the periods specified in paragraphs 2 through 4, provided that those periods do not overlap.

2. To determine eligibility for a benefit under:

(a) the Old Age Security Act, Canada shall consider a creditable period under the legislation of the Republic of Moldova as a period of residence in Canada;

(b) the Canada Pension Plan, Canada shall consider a calendar year that includes at least 90 days that are creditable periods under the legislation of the Republic of Moldova as a year that is a creditable period under the Canada Pension Plan.

3. To determine eligibility for an old age pension under the legislation of the Republic of Moldova:

(a) the Republic of Moldova shall consider a calendar year that is a period of contribution under the Canada Pension Plan as one year that is creditable under the legislation of the Republic of Moldova;

(b) the Republic of Moldova shall consider a period during which a disability benefit is paid under the Canada Pension Plan as a creditable period under the legislation of the Republic of Moldova, provided that the period of payment of the disability benefit does not overlap with a period of contribution under the Canada Pension Plan;

(c) the Republic of Moldova shall consider a period of residence under the Old Age Security Act as a creditable period under the legislation of the Republic of Moldova, provided that the period of residence under the Old Age Security Act does not overlap with a period of contribution under the Canada Pension Plan or a period during which a disability benefit is paid under the Canada Pension Plan.

4. To determine eligibility for a disability benefit or a survivor's pension under the legislation of the Republic of Moldova:

(a) the Republic of Moldova shall consider a calendar year that is a period of contribution under the Canada Pension Plan as one year that is creditable under the legislation of the Republic of Moldova;

(b) the Republic of Moldova shall consider a period during which a disability benefit is paid under the Canada Pension Plan as a creditable period under the legislation of the Republic of Moldova, provided that the period of payment of the disability benefit does not overlap with a period of contribution under the Canada Pension Plan.

ARTICLE 13

PERIODS UNDER THE PROGRAM OF A THIRD STATE

If a person is not eligible for a benefit because that person does not have sufficient creditable periods under the legislation of either Party, totalized in accordance with Article 12, the Parties shall determine the eligibility of that person for that benefit by totalizing these creditable periods and periods completed under the program of a third State to which both Parties are bound by social security instruments that provide for the totalizing of periods, provided that the periods do not overlap.

ARTICLE 14

MINIMUM PERIOD TO BE TOTALIZED

If the total of the creditable periods completed by a person under the legislation of a Party is less than 12 months and if that person is not eligible for a benefit under the legislation of that Party based only on those creditable periods, then that Party is not required to pay a benefit to that person for those periods. The other Party shall, however, take into account those creditable periods to determine whether that person is eligible for a benefit under its legislation in accordance with Articles 12 and 13.

ARTICLE 15

PRIORITIZING OF OVERLAPPING PERIODS

For the purpose of totalizing under Part III, Chapter 1, if a creditable period that has been completed by a person under the legislation of a Party overlaps with a creditable period that has been completed by that person under the legislation of the other Party or a period under the program of a third State, each Party shall only consider the overlapping period that has been completed by that person under its own legislation and shall exclude the overlapping period that has been completed by that person under the legislation of the other Party and under the program of a third State.

CHAPTER 2

BENEFITS UNDER THE LEGISLATION OF CANADA

ARTICLE 16

BENEFITS UNDER THE OLD AGE SECURITY ACT

1. If a person is eligible for a pension or allowance under the Old Age Security Act based only on the totalizing provisions of Chapter 1, Canada shall calculate the amount of the pension or allowance payable to that person based only on the periods of residence in Canada that are recognized under that Act.

2. Canada shall pay an Old Age Security pension to a person who is outside Canada only if that person's periods of residence, totalized in accordance with 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.

ARTICLE 17

BENEFITS UNDER THE CANADA PENSION PLAN

If a person is eligible for a benefit based only on the totalizing provisions of Chapter 1, Canada shall calculate the amount of benefit payable to that person in the following manner:

(a) the earnings-related portion of the benefit is determined in accordance with the Canada Pension Plan, based only on the pensionable earnings under that Plan;

(b) the flat-rate portion of the benefit is pro-rated by multiplying:

the amount of the flat-rate portion of the benefit determined in conformity with the Canada Pension Plan

by

the fraction that 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. That fraction must not exceed the value of one.

CHAPTER 3

BENEFITS UNDER THE LEGISLATION OF THE REPUBLIC OF MOLDOVA

ARTICLE 18

CALCULATING THE AMOUNT OF BENEFIT PAYABLE

1. If the entitlement to benefits can be granted in accordance with the legislation of the Republic of Moldova without the application of Article 12, the competent institution of the Republic of Moldova shall calculate the amount of the benefits based only on the creditable periods completed according to the legislation it applies.

2. If the person concerned is entitled to benefits in accordance with the legislation of the Republic of Moldova only by applying Article 12 or 13, the competent institution of the Republic of Moldova shall calculate the benefits as follows:

(a) the competent institution of the Republic of Moldova shall calculate the theoretical amount of the benefit taking into account all the creditable periods completed under the legislation of both Parties and periods completed under the program of a third State, as if they were completed according to the legislation it applies; and

(b) based on the calculated amount specified above, the competent institution of the Republic of Moldova shall calculate the actual amount of the benefit as a ratio between the creditable periods completed, exclusively in accordance with its own legislation and the total of the creditable periods taken into account to calculate the benefit.

3. If the benefits, in accordance with the legislation of the Republic of Moldova, are calculated on the basis of incomes or contributions paid according to its legislation, the competent institution of the Republic of Moldova shall take into account the incomes and contributions paid exclusively according to the legislation it applies.

PART IV

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

ARTICLE 19

ADMINISTRATIVE ARRANGEMENT

1. The Parties shall, through their competent authorities, conclude an administrative arrangement that establishes the measures necessary to implement this Agreement.

2. The Parties shall, through their competent authorities, designate their competent institutions or liaison agencies in the administrative arrangement.

ARTICLE 20

COMMUNICATION OF INFORMATION AND MUTUAL ASSISTANCE

1. A Party shall promptly communicate to the other Party all information about the measures that it takes to implement this Agreement or about changes in its legislation that affect the implementation of this Agreement.

2. A Party shall assist the other Party in implementing this Agreement as if it were implementing its own legislation. This assistance is provided free of charge, subject to any provision for the reimbursement of certain types of expenses in an administrative arrangement concluded pursuant to Article 19.

ARTICLE 21

PROTECTION OF PERSONAL INFORMATION

1. Subject to the Parties' respective domestic laws, personal information means information about an identifiable person that is recorded in any form.

2. For the implementation of this Agreement and the legislation, the Parties shall, in accordance with their respective domestic laws:

(a) collect only indispensable personal information from each other;

(b) use the personal information received from each other;

(c) disclose personal information to each other;

(d) maintain and protect the confidentiality of the personal information received from each other;

(e) protect the personal information received from each other from unauthorized access, use, disclosure, modification, and disposal;

(f) take reasonable measures to retain and store complete, accurate, and up-to-date personal information in a secure location;

(g) inform each other without delay when they realize that personal information disclosed to each other is erroneous, has changed, or should not have been disclosed

to each other, and carry out the necessary deletion or correction of the personal information received without delay;

(h) investigate cases where they have reasonable grounds to believe that incidents may compromise the protection of personal information, take necessary measures to address such incidents, and inform each other without delay of such incidents; and

(i) dispose of the personal information collected from each other.

3. The Parties shall not disclose the personal information received from each other to any person or body unless:

(a) the disclosure is for the sole purpose of implementing this Agreement or the legislation and is in accordance with the Parties' respective domestic laws; or

(b) the disclosure is authorized under the Parties' respective domestic laws.

ARTICLE 22

EXEMPTION OR REDUCTION OF FEES

1. If the legislation of a Party provides that a person is exempt from all or part of a legal, consular, or administrative fee for a certificate or document that is required to apply that legislation, the exemption applies to any legal, consular, or administrative fee for a certificate or document of the other Party.

2. An official document that is required to implement this Agreement does not have to be authenticated by diplomatic or consular authorities.

ARTICLE 23

LANGUAGE OF COMMUNICATION

The Parties may, through their competent authorities or competent institutions, communicate directly with each other in any official language of either Party.

ARTICLE 24

SUBMITTING A CLAIM, A NOTICE, OR AN APPEAL

1. If a claim, notice, or appeal concerning eligibility for, or the amount of, a benefit must be submitted within a prescribed period to the competent authority or competent institution of a Party, but is instead submitted within the same prescribed period to the competent authority or competent institution of the other Party, the first Party shall treat that claim, notice, or appeal as if it were submitted to that Party within the prescribed period. The date of submission of the claim, notice, or appeal to the competent authority or competent institution of the other Party is deemed to be the date of submission to the first Party.

2. The Parties shall deem the date that a claim for a benefit is submitted under the legislation of a Party to be the date of submission of a claim for the corresponding benefit under the legislation of the other Party, if a person provides information at the time of application indicating that creditable periods have been completed under the legislation of the other Party. This does not apply to a claim submitted before the date of entry into force of this Agreement or if a person requests that their claim to the benefit under the legislation of the other Party be delayed.

3. In accordance with paragraphs 1 and 2, the Party shall, through its competent authority or competent institution, transmit a claim, notice, or appeal without delay to the competent authority or competent institution of the other Party.

ARTICLE 25

PAYMENT OF BENEFITS

1. A Party shall pay a benefit to any person who resides in its territory, in the currency of that Party according to its legislation.

2. A Party shall pay a benefit in a freely convertible currency to any person who resides outside its territory according to its legislation.

ARTICLE 26

RESOLUTION OF DISPUTES

1. The Parties shall, through their competent authorities, resolve a dispute that arises in the interpretation or implementation of this Agreement in accordance with the spirit and fundamental principles of this Agreement.

2. The Parties shall promptly hold consultations to settle any dispute that is not resolved in accordance with paragraph 1.

ARTICLE 27

UNDERSTANDING WITH A PROVINCE OF CANADA

The Republic of Moldova may conclude an understanding with any province of Canada on any social security matter that is within provincial jurisdiction provided that the understanding is not inconsistent with this Agreement.

PART V

TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 28

TRANSITIONAL PROVISIONS

1. The Parties shall take into account any creditable period completed before the date of entry into force of this Agreement to determine eligibility to a benefit and the amount of that benefit under this Agreement.

2. This Agreement does not make any person eligible to receive payment of a benefit for a period that precedes the date of entry into force of this Agreement.

3. A Party shall pay a benefit, other than a lump sum benefit, for an event that precedes the date of entry into force of this Agreement.

4. For the purposes of Article 7, if a person's detachment begins prior to the entry into force of this Agreement, the earliest date that the Parties shall consider the detachment to begin is on the date of entry into force of this Agreement.

ARTICLE 29

DURATION AND TERMINATION

1. This Agreement remains in force indefinitely. A Party may terminate it at any time, with 12 months' notice in writing, through diplomatic channels to the other Party.

2. In the event that this Agreement is terminated, a person is entitled to any benefit already acquired in accordance with this Agreement. This Agreement continues to have effect in relation to any person who applies for a benefit before its termination, if that person would have acquired a benefit had this Agreement not been terminated.

3. In the event that this Agreement is terminated, the Parties shall continue to apply Article 7 to a detachment that commences prior to the termination of this Agreement.

ARTICLE 30

ENTRY INTO FORCE

Each Party shall notify the other Party by diplomatic note that it has completed the internal legal procedures necessary for the entry into force of this Agreement. This Agreement enters into force on the first day of the fourth month following the month in which the last note is received.

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

DONE in two original copies at Ottawa, this 13 2026 day of March, in the Romanian, English, and French languages, each version being equally authentic.

FOR THE REPUBLIC OF MOLDOVA

FOR CANADA