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**Canada  
and  
Uruguay**

**Agreement on social security between the Government of Canada and the Government of the Eastern Republic of Uruguay. Ottawa, 2 June 1999**

**Entry into force:** *1 January 2002, in accordance with article 30*

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

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et  
Uruguay**

**Accord sur la sécurité sociale entre le Gouvernement du Canada et le Gouvernement de la République orientale de l'Uruguay. Ottawa, 2 juin 1999**

**Entrée en vigueur :** *1<sup>er</sup> janvier 2002, conformément à l'article 30*

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

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# **Agreement on Social Security Between the Government of Canada and the Government of the Eastern Republic of Uruguay**

THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE EASTERN REPUBLIC OF URUGUAY,  
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, the expressions and terms given below shall have the following meaning:

"Benefit" means any cash payment, pension or allowance for which provision is made in the legislation specified in Article 2, and includes any supplements, increases or adjustments applicable to such a benefit.

"Competent authority" means, as regards Canada, the Minister or Ministers responsible for the application of the legislation of Canada; and, as regards Uruguay, the Ministry of Labour and Social Security (Ministerio de Trabajo y Seguridad Social) or the delegated institution.

"Competent organization" means, as regards Canada, the competent authority; and, as regards Uruguay, the institution or agency responsible for applying the legislation specified in Article 2.

"Contracting Parties" means Canada and the Eastern Republic of Uruguay.

"Creditable period" means, as regards Canada, any period of contributions or residence used to acquire the right to a benefit under the legislation of Canada, and includes a period during which a disability pension is payable under the *Canada Pension Plan*; and, as regards Uruguay, any reckonable period recognized as such under its legislation, and includes any period deemed as equivalent to a period of insurance.

"Legislation" means the laws, regulations and provisions specified in Article 2.

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

"Worker" means, as regards Uruguay, any person who, as a consequence of being or

having been employed or self-employed, is or has been subject to the legislation of Uruguay specified in Article 2.

2. All other terms or expressions used in this Agreement have the meaning assigned to them in the applicable legislation.

## **ARTICLE 2**

### Material Scope of Application

1. This Agreement shall apply to the following legislation:
  1. with respect to Canada:
    1. the *Old Age Security Act* and the regulations made thereunder, and
    2. the *Canada Pension Plan* and the regulations made thereunder;
  2. with respect to Uruguay:

the legislation regarding contributory social security benefits, in so far as it pertains to retirement and pension schemes based on the principles of pay-as-you-go (*reparto*) and individual funding (*capitalización individual*).
2. This Agreement shall also apply to future laws, regulations and provisions which emend, supplement, consolidate or supersede those specified in paragraph 1, or which extend the legislation of a Contracting Party to new categories of beneficiaries or to new benefits, unless an objection on the part of that Contracting Party has been communicated to the other Contracting Party not later than three months following the entry into force of such laws, regulations and provisions.

## **ARTICLE 3**

### Personal Scope of Application

This Agreement shall apply to all persons who are or who have been subject to the legislation of one or both Contracting Parties, as well as to those who derive rights from such persons.

## **ARTICLE 4**

### Principle of Equal Treatment

In the application of the legislation of a Contracting Party, all persons described in Article 3 shall be treated equally in regard to rights and obligations under the legislation of that Contracting Party.

## **ARTICLE 5**

### Payment of Benefits Abroad

Unless otherwise provided in this Agreement, the pensions and other cash benefits payable under the legislation of a Contracting Party, as specified in Article 2, including benefits acquired by virtue of this Agreement, shall not be subject to any reduction, modification, suspension, cancellation or confiscation by reason of the fact that the beneficiary is present or resides in the territory of the other Contracting Party.

Subject to this Agreement, those benefits shall be paid in the territory of the other Contracting Party or a third State if the beneficiary so requests.

## **PART II - PROVISIONS CONCERNING THE APPLICABLE LEGISLATION**

### **ARTICLE 6**

#### General rule

Subject to the provisions of Article 7, a person to whom this Agreement applies who is employed in the territory of a Contracting Party shall, in respect of that employment, be subject only to the legislation of that Contracting Party.

### **ARTICLE 7**

#### Special Rules

1. The following special rules and exceptions shall apply with respect to Article 6:
  1. An employee who is subject to the legislation of a Contracting Party and who is temporarily sent by his or her employer to work in the territory of the other Contracting Party for the same or a related employer for a period that does not exceed 36 months shall, in respect of that employment, be subject only to the legislation of the first Contracting Party during the period of the detachment. In special circumstances, this period may be extended for a further 24 months with the prior express consent of the competent authorities or delegated institutions of both Contracting Parties.
  2. An employee working as a member of the crew of a ship who, but for this Agreement, would be subject to the legislation of both Contracting Parties in respect of that employment shall, in respect thereof, be subject only to the legislation of Canada if he or she resides and is hired in Canada, and only to the legislation of Uruguay if he or she resides and is hired in Uruguay. When the circumstances of the previous sentence do not apply, the employee shall be subject only to the legislation of Uruguay if the ship flies the flag of Uruguay.
  3. Work performed at a harbour for the purpose of loading, unloading, and repairing ships and for carrying out guard duties shall be subject only to the legislation of the Contracting Party in whose territory the harbour is located.
  4. The provisions regarding social security of the *Vienna Convention on Diplomatic Relations* of 18 April 1961 and the *Vienna Convention on Consular Relations* of 24 April 1963 shall continue to apply, notwithstanding any provision of this Agreement.
  5. An employee in government employment for a Contracting Party who is posted to work in the territory of the other Contracting Party shall, in respect of that employment, be subject only to the legislation of the first Contracting Party.
  6. Except as provided in sub-paragraphs (d) and (e), an employee who resides in the territory of a Contracting Party and who is engaged therein in government employment for the other Contracting Party shall, in respect of that employment, be subject only to the legislation of the first Contracting Party. However, if that employee has, prior to the start of that employment, made contributions under the legislation of the employing Contracting Party, he or she may, within six months of the start of that employment or of the entry into force of this Agreement, whichever is later, elect to be subject only to the legislation of the latter Contracting Party.
  7. Sub-paragraph (f) shall also apply to an employee working in the personal service of a person to whom either of the Conventions mentioned in sub-

- paragraph (d) applies.
2. The competent authorities of the Contracting Parties or their delegated institutions may, by common agreement, make other exceptions or modify the provisions of this Article in the interest of any employee or category of employees.

## **ARTICLE 8**

### **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*:
  1. 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 Uruguay, that period shall be considered as a period of residence in Canada for that person as well as for that person's spouse and dependents who live with him or her and who are not subject to the legislation of Uruguay by reason of employment;
  2. if a person is subject to the legislation of Uruguay 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 dependents 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:
  1. 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 Uruguay only if that person makes contributions pursuant to the plan concerned during that period by reason of employment or self-employment; and
  2. a person shall be considered to be subject to the legislation of Uruguay 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.

## **PART III - PROVISIONS CONCERNING BENEFITS**

### **CHAPTER 1 - TOTALIZATION**

## **ARTICLE 9**

### **Totalizing Creditable Periods**

1. as not completed sufficient creditable periods under that legislation to fulfill those conditions, the competent organization of that Contracting Party shall determine the eligibility of that person for that benefit by totalizing those creditable periods and creditable periods under the legislation of the other Contracting Party, as specified in this Part, provided that those periods do not overlap.
2. If a person is not eligible for a benefit on the basis of the creditable periods under the legislation of the Contracting Parties, totalized as provided in paragraph 1, the eligibility of that person for that benefit shall be determined by totalizing those periods and creditable periods under the legislation of a third State with which both Contracting Parties are bound by social security arrangements or agreements which provide for the totalizing of periods.

## **ARTICLE 10**

### **Creditable Periods of Less Than One Year**