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E105059

AGREEMENT BETWEEN **CANADA** AND **JAPAN** ON SOCIAL SECURITY

CANADA and **JAPAN**,

BEING DESIROUS of regulating the relationship between them in the field of social security,

HAVE AGREED AS FOLLOWS:

Article 1

Objectives

1. The objectives of this Agreement are to achieve the appropriate application of the relevant social security schemes in place in **Japan** and in **Canada** and to establish, where appropriate, entitlement to benefits, in order to facilitate the mobility of persons between the two countries.
2. Both Parties are committed to maximizing the effect of these objectives.

Article 2

Definitions

1. For the purpose of this Agreement:
 - (a) "territory" means:

as regards **Japan**, the territory of **Japan**;

as regards **Canada**, the territory of **Canada**;

(b) “national” means:

as regards **Japan**, a Japanese national within the meaning of the law on nationality of **Japan**;

as regards **Canada**, a Canadian citizen within the meaning of the *Citizenship Act*;

(c) “legislation” means:

as regards **Japan**, the laws and regulations of **Japan** concerning the Japanese **pension** systems specified in subparagraph 1(a) of Article 3;

however, the laws and regulations of **Japan** promulgated for the implementation of other agreements on social security comparable with this Agreement shall not be included;

as regards **Canada**, the acts and regulations of **Canada** specified in subparagraph 1(b) of Article 3;

(d) “competent authority” means:

as regards **Japan**, any of the Governmental organizations competent for the Japanese **pension** systems specified in subparagraph 1(a) of Article 3;

as regards **Canada**, the Minister or Ministers responsible for the application of the acts and regulations of **Canada** specified in subparagraph 1(b) of Article 3;

(e) “competent institution” means:

as regards **Japan**, any of the insurance institutions, or any association thereof, responsible for the implementation of the Japanese **pension** systems specified in subparagraph 1(a) of Article 3;

as regards **Canada**, the competent authority;

(f) “period of coverage” means:

as regards **Japan**, a period of contribution under the legislation of **Japan** and any other period taken into account under that legislation for establishing entitlement to benefits;

as regards **Canada**, a period of contribution used to acquire the right to a benefit under the **Canada Pension Plan** and a period during which a disability **pension** is payable under that Plan;

(g) “period of residence in **Canada**” means:

as regards **Canada**, a period used to acquire the right to a benefit under the *Old Age Security Act*;

(h) “benefit” means a **pension** or any other cash benefit under the legislation of either Party.

2. For the purpose of this Agreement, any term not defined in this Agreement shall have the meaning assigned to it under the respective

legislation of either Party.

Article 3

Scope of Application

1. This Agreement shall apply:
 - (a) as regards **Japan**:

to the following Japanese **pension** systems:

 - (i) the National **Pension** (except the National **Pension** Fund);
 - (ii) the Employees' **Pension** Insurance (except the Employees' **Pension** Fund);
 - (iii) the Mutual Aid **Pension** for National Public Officials;
 - (iv) the Mutual Aid **Pension** for Local Public Officials and Personnel of Similar Status (except the **pension** system for members of local assemblies); and
 - (v) the Mutual Aid **Pension** for Private School Personnel;

(the Japanese **pension** systems specified in (ii) to (v) shall hereinafter be referred to as the "Japanese **pension** systems for employees"); however, for the purpose of this Agreement, the National **Pension** shall not include the Old Age Welfare **Pension** or any other pensions which are granted on a transitional or complementary basis for the purpose of welfare and which are payable wholly or mainly out of national budgetary resources;
 - (b) as regards **Canada**:

to the following acts and regulations of **Canada**:

 - (i) the *Old Age Security Act*, and the regulations made thereunder; and
 - (ii) the **Canada Pension** Plan, and the regulations made thereunder.
2. As regards **Canada**, this Agreement shall also apply to acts and regulations which amend, supplement, consolidate or supersede the acts and regulations specified in subparagraph 1(b) of this Article.

Article 4

Equality of Treatment and Payment of Benefits Abroad

1. Persons who are or have been subject to the legislation of one Party, as well as other persons who derive rights from such persons, who ordinarily reside in the territory of the other Party, shall receive equal treatment with nationals of that other Party in the application of the legislation of that other Party. However, the foregoing shall not affect the

provisions on complementary periods for Japanese nationals on the basis of ordinary residence outside the territory of **Japan** under the legislation of **Japan**.

2. Any provision of the legislation of one Party which restricts entitlement to or payment of benefits solely because the person ordinarily resides outside or is absent from the territory of that Party shall not be applicable to persons who ordinarily reside in the territory of the other Party. However, the foregoing shall not affect:

(a) the provisions of the legislation of **Japan** which require a person who is aged 60 or over but under 65 on the date of the first medical examination or of death to reside ordinarily in the territory of **Japan** for the acquisition of entitlement to the Disability Basic **Pension** or the Survivors' Basic **Pension**;

(b) the provisions of the *Old Age Security Act* of **Canada** which require that a person have completed a prescribed minimum period of residence in **Canada** in order for that person to be entitled to the payment of a **pension** when he or she is outside the territory of **Canada** for an indefinite period.

Notwithstanding the foregoing provisions of this subparagraph, the requirement of that Act regarding a prescribed minimum period of residence in **Canada** for the purpose of the payment of a **pension** to a person who is outside the territory of **Canada** shall be fulfilled, when required, through the totalization of periods of residence in **Canada** and periods of coverage under the legislation of **Japan** in accordance with paragraph 3 and subparagraph 4(a) of Article 6; and

(c) the provisions of the *Old Age Security Act* of **Canada** regarding the payment of an allowance and a guaranteed income supplement to a person who is outside the territory of **Canada**, and any other similar benefits, to be introduced after the entry into force of this Agreement, and as may be agreed upon between the two Parties.

3. A benefit under the legislation of one Party which is payable to a person who is or has been subject to the legislation of the other Party, as well as other persons who derive rights from such a person, shall be paid when that person or those persons ordinarily reside in the territory of a third State under the same conditions as it would to a national of the first Party who ordinarily resides in the territory of that third State.

Article 5

Provisions concerning the Applicable Legislation

1. Unless otherwise provided in this Article, a person who works as an employee or a self-employed person in the territory of one Party shall, with respect to that employment or self-employment, be subject only to the legislation of that Party.

2. Subject to paragraph 5 of this Article, where a person who is covered under the legislation of one Party and normally employed in the territory of that Party by an employer with a place of business in that territory is sent by that employer from that territory to work in the territory of the other Party, the employee shall, with respect to that employment, be subject only to the

legislation of the first Party as if that employee were working in the territory of the first Party, provided that the period of such detachment is not expected to exceed five years. If the detachment continues beyond five years, the competent authority or competent institution of the second Party may, with the prior concurrence of the competent authority or competent institution of the first Party, grant further exemption of the employee from the legislation of the second Party. For the purpose of this paragraph in the case of an employee who is sent from the territory of **Canada** by an employer in that territory to a related company of that employer in the territory of **Japan**, that employer and the related company of that employer shall be deemed to be the same employer, provided that the employment is covered under the legislation of **Canada**.

3. Paragraph 2 of this Article shall apply where a person who has been sent by an employer from the territory of one Party to the territory of a third State is subsequently sent by that employer from the territory of the third State to the territory of the other Party.

4. Where a person covered under the legislation of one Party, who ordinarily works as a self-employed person in the territory of that Party, works temporarily as a self-employed person in the territory of the other Party, that self-employed person shall, with respect to that self-employment, be subject only to the legislation of the first Party as if that self-employed person were working in the territory of the first Party, provided that the period of such self-employment in the territory of the second Party is not expected to exceed five years. If that self-employment continues beyond five years, the competent authority or competent institution of the second Party may, with the prior concurrence of the competent authority or competent institution of the first Party, grant further exemption of that self-employed person from the legislation of the second Party.

5. (a) This Agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or the Vienna Convention on Consular Relations of April 24, 1963.

(b) Subject to subparagraph (a) of this paragraph, where any person in government employment in the territory of **Canada** is sent to work as part of that employment in the territory of **Japan**, that person shall, with respect to that employment, be subject only to the legislation of **Canada**.

(c) Subject to subparagraph (a) of this paragraph, where any civil servant of **Japan** or any person treated as such under the legislation of **Japan** is sent to work in the territory of **Canada**, that person shall, with respect to that work, be subject only to the legislation of **Japan**.

6. The competent authority or competent institution of **Japan** and the competent authority of **Canada** may agree to grant an exception to the provisions of this Article in the interest of particular persons or categories of persons, provided that such persons or categories of persons shall be subject to the legislation of one of the Parties.

7. As regards the accompanying spouse or children of a person who works in the territory of **Japan** and who is subject to the legislation of **Canada** in accordance with paragraph 2, 4, 5(b) or 6 of this Article:

(a) in cases in which the accompanying spouse or children are persons other than Japanese nationals, the legislation of **Japan** shall not apply to them. However, when the accompanying spouse or

children so request, the foregoing shall not apply;

(b) in cases in which the accompanying spouse or children are Japanese nationals, the exemption from the legislation of **Japan** shall be determined in accordance with the legislation of **Japan**.

8. This Article shall apply, as regards **Japan**, only to compulsory coverage under the legislation of **Japan**.

Article 6

Provisions regarding Benefits under the Legislation of **Canada**

The following provisions shall apply to **Canada**:

1. For the purpose of calculating the amount of benefits under the *Old Age Security Act*:

(a) if a person is subject to the **Canada Pension Plan** or to the comprehensive **pension** plan of a province of **Canada** during any period in which that person is present or resides in the territory of **Japan**, that period shall be considered as a period of residence in **Canada** for that person as well as for that person's spouse or common-law partner and dependants who reside with him or her and who are not subject to the legislation of **Japan**;

(b) if a person is subject to the legislation of **Japan** during any period in which that person is present or resides in the territory of **Canada**, that period shall not be considered as a period of residence in **Canada** for that person and for that person's spouse or common-law partner and dependants who reside with him or her unless that person's spouse or common-law partner and dependants are 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 of this Article:

(a) 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 in which that person is present or resides in the territory of **Japan** only if that person makes contributions pursuant to the plan concerned during that period by reason of employment or self-employment.

That person's spouse or common-law partner and dependants who reside with him or her shall be considered to be subject to the legislation of **Japan** during a period in which that person's spouse or common-law partner and dependants are present or reside in the territory of **Japan** only if that person's spouse or common-law partner and dependants are covered as Category II insured persons under the National **Pension** during that period;

(b) a person and that person's spouse or common-law partner and dependants who reside with him or her shall be considered to be subject to the legislation of **Japan** during a period in which that person is present or resides in the territory of **Canada** only if they are covered under the National **Pension** during that period.

That person's spouse or common-law partner and dependants who reside with him or her 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 in which that person's spouse or common-law partner and dependants are present or reside in the territory of **Canada** only if that person's spouse or common-law partner and dependants make contributions pursuant to the plan concerned during that period by reason of employment or self-employment.

3. Where a person has completed a period of residence in **Canada** of at least one year under the *Old Age Security Act* or a period of coverage of at least one year under the **Canada Pension Plan**, but does not have sufficient periods of residence in **Canada** or periods of coverage to satisfy the requirements for entitlement to benefits under that Act or that Plan, the competent institution of **Canada** shall take into account, for the purpose of establishing entitlement to benefits under this Article in accordance with paragraphs 4 and 7 of this Article, periods of coverage under the legislation of **Japan** which do not coincide with periods of residence in **Canada** or periods of coverage under the legislation of **Canada**.

4. (a) For the purpose of establishing entitlement to benefits under the *Old Age Security Act* through the application of paragraph 3 of this Article, the competent institution of **Canada** shall:

(i) consider, in accordance with the legislation of **Canada**, a calendar month beginning on or after January 1, 1952, which is a period of coverage under the legislation of **Japan**, and certified as such by the competent institutions of **Japan**, as a period of residence in **Canada**; and

(ii) take into account only periods of residence in **Canada** completed on or after January 1, 1952.

(b) For the purpose of establishing entitlement to benefits under the **Canada Pension Plan** through the application of paragraph 3 of this Article, the competent institution of **Canada** shall consider, in accordance with the legislation of **Canada**, a calendar year which contains a period of coverage of at least three months under the legislation of **Japan** and certified as such by the competent institutions of **Japan**, as a period of coverage of one year.

5. (a) Where a person's entitlement to a **pension** or an allowance under the *Old Age Security Act* is established solely through the application of paragraph 3 of this Article, the competent institution of **Canada** shall calculate the amount of the **pension** or of the allowance payable to that person in conformity with the provisions of that Act governing the payment of a partial **pension** or allowance, exclusively on the basis of the periods of residence in **Canada** which may be considered under that Act and which have been completed on or after January 1, 1952.

(b) Subparagraph (a) of this paragraph shall also apply to a person who is outside the territory of **Canada** and who would be entitled to a full **pension** if he or she were in the territory of **Canada**, but whose period of residence in **Canada** is less than the minimum period required by the *Old Age Security Act* for the payment of a **pension** outside the territory of **Canada**.

6. Where a person's entitlement to a benefit under the **Canada Pension**

Plan is established solely through the application of paragraph 3 of this Article, the competent institution of **Canada** shall calculate the amount of benefit payable to that person in the following manner:

- (a) the earnings-related portion of the benefit shall be determined in conformity with the provisions of the **Canada Pension Plan**, exclusively on the basis of the pensionable earnings under that Plan;
- (b) the flat-rate portion of the benefit shall be determined by multiplying:
 - (i) the amount of the flat-rate portion of the benefit determined in conformity with the provisions of the **Canada Pension Plan**by
 - (ii) the fraction which represents the ratio of the periods of contribution to the **Canada Pension Plan** in relation to the minimum qualifying period required under that Plan to establish entitlement to that benefit, but in no case shall that fraction exceed the value of one.

7. For the purpose of applying paragraphs 3 and 4 of this Article, periods of coverage under the legislation of **Japan** shall not include complementary periods for Japanese nationals on the basis of ordinary residence outside the territory of **Japan**.

Article 7

Provisions regarding Benefits under the Legislation of **Japan**

The following provisions shall apply to **Japan**:

1. (a) Where a person does not have sufficient periods of coverage to fulfill the requirements for entitlement to benefits under the legislation of **Japan**, the competent institution of **Japan** shall take into account, for the purpose of establishing entitlement to benefits under this Article, periods of coverage under the **Canada Pension Plan**.

- (b) Subparagraph (a) of this paragraph shall not apply to the following benefits under the legislation of **Japan**:
 - (i) the Disability Allowance under the Employees' **Pension Insurance**;
 - (ii) the disability lump-sum payments under the mutual aid pensions;
 - (iii) the additional **pension** for specified occupations under the mutual aid pensions;
 - (iv) the lump-sum payments upon withdrawal for persons other than Japanese nationals under the Employees' **Pension Insurance** and the lump-sum payments upon withdrawal for persons other than Japanese nationals under the mutual aid pensions;
 - (v) the allowance upon withdrawal under the Employees' **Pension Insurance** and the lump-sum payments upon

withdrawal under the mutual aid pensions;

(vi) the special lump-sum death payments under the mutual aid pensions; and

(vii) any other benefits similar to those specified in (i) to (vi), to be introduced after the entry into force of this Agreement, and as may be agreed upon between the two Parties.

2. In applying subparagraph 1(a) of this Article:

(a) the competent institutions of **Japan** shall credit, in each calendar year, twelve months of periods of coverage for a period of coverage of a year under the **Canada Pension Plan** and certified as such by the competent institution of **Canada**. Periods of coverage to be credited by the competent institutions of **Japan** shall not include months that are already credited as periods of coverage under the legislation of **Japan**. The total number of months of periods of coverage to be credited under the provision of this subparagraph and the months that are already credited as periods of coverage under the legislation of **Japan** shall not exceed twelve in a calendar year; and

(b) periods of coverage under the **Canada Pension Plan** shall be taken into account as both periods of coverage under the Japanese **pension** systems for employees and periods of coverage for Category II insured persons under the National **Pension**.

3. (a) Where the legislation of **Japan** requires for entitlement to disability pensions or survivors' pensions that the date of the first medical examination or of death lie within specified periods of coverage, this requirement shall be deemed to be fulfilled for the purpose of establishing entitlement to those pensions, if such a date lies within a period of coverage under the **Canada Pension Plan**.

However, if entitlement to disability pensions or survivors' pensions under the National **Pension** is established without applying this paragraph, this paragraph shall not be applied for the purpose of establishing entitlement to disability pensions or survivors' pensions based on the same insured event under the Japanese **pension** systems for employees.

(b) In applying subparagraph (a) of this paragraph, as regards a person who possesses periods of coverage under two or more Japanese **pension** systems for employees, the requirement referred to in that subparagraph shall be deemed to be fulfilled for one of those **pension** systems in accordance with the legislation of **Japan**.

4. Where entitlement to a benefit under the legislation of **Japan** is established by virtue of subparagraph 1(a) or 3(a) of this Article, the competent institution of **Japan** shall calculate the amount of that benefit in accordance with the legislation of **Japan**, subject to paragraphs 5 to 9 of this Article.

5. With regard to the Disability Basic **Pension** and other benefits, the amount of which is a fixed sum granted regardless of the period of coverage, if the requirements for receiving such benefits are fulfilled by virtue of subparagraph 1(a) or 3(a) of this Article, the amount to be granted shall be calculated according to the proportion of the sum of the periods of contribution and the premium-exempted periods under the **pension** system

from which such benefits will be paid to the theoretical period of coverage referred to in paragraph 7 of this Article.

6. With regard to disability pensions and survivors' pensions under the Japanese **pension** systems for employees, insofar as the amount of those pensions to be granted is calculated on the basis of the specified period determined by the legislation of **Japan** when the periods of coverage under those systems are less than that specified period, if the requirements for receiving such pensions are fulfilled by virtue of subparagraph 1(a) or 3(a) of this Article, the amount to be granted shall be calculated according to the proportion of the periods of coverage under the Japanese **pension** systems for employees to the theoretical period of coverage referred to in paragraph 7 of this Article. However, when the theoretical period of coverage exceeds that specified period, the theoretical period of coverage shall be regarded as equal to that specified period.

7. For the purpose of paragraphs 5 and 6 of this Article, "theoretical period of coverage" means the sum of the following periods (except that it shall not include the period after the month in which the day of recognition of disability occurs or the period beginning with the month in which the day following the day of death occurs):

(a) the period from the month in which the day of attainment of age 20 occurs through the month preceding the month in which the day of attainment of age 60 occurs, except the period before April 1, 1961;

(b) periods of contribution under the legislation of **Japan** which do not coincide with the period referred to in subparagraph (a) of this paragraph; and

(c) periods of coverage under the **Canada Pension Plan** which do not coincide with periods referred to in subparagraph (b) of this paragraph, in case the month in which the day of recognition of disability occurs or the month preceding the month in which the day following the day of death occurs is before the period referred to in subparagraph (a) of this paragraph.

8. With regard to the calculation of the amount of benefits under the Japanese **pension** systems for employees in accordance with paragraphs 5 and 6 of this Article, if the person entitled to the benefits possesses periods of coverage under two or more such **pension** systems, the periods of contribution referred to in paragraph 5 of this Article or the periods of coverage referred to in paragraph 6 of this Article shall be the sum of the periods of coverage under all such **pension** systems. However, when the sum of the periods of coverage equals or exceeds the specified period determined by the legislation of **Japan** within the meaning of paragraph 6 of this Article, the method of calculation stipulated in paragraph 6 of this Article and this paragraph shall not apply.

9. With regard to the Additional **Pension** for Spouses which is included in the Old-age Employees' **Pension** and any other benefits that may be granted as a fixed sum in cases where the period of coverage under the Japanese **pension** systems for employees equals or exceeds the specified period determined by the legislation of **Japan**, if the requirements for receiving such benefits are fulfilled by virtue of subparagraph 1(a) of this Article, the amount to be granted shall be calculated according to the proportion of the periods of coverage under the Japanese **pension** systems for employees from which such benefits will be paid to that specified period.

Article 8

Role of the Competent Authorities

The competent authorities of the two Parties shall:

- (a) agree on the administrative measures necessary for the implementation of this Agreement;
- (b) designate liaison agencies for the implementation of this Agreement; and
- (c) communicate to each other, as soon as possible, all information about changes to their respective legislation and any other changes insofar as they may affect the implementation of this Agreement.

Article 9

Mutual Assistance

The competent authorities and competent institutions of the two Parties, within the scope of their respective authorities, shall assist each other in implementing this Agreement. This assistance shall be free of charge.

Article 10

Confidentiality of Information

1. The competent authorities or competent institutions of one Party shall, in accordance with its laws and regulations, send to the competent authorities or competent institutions of the other Party information about an individual collected under its legislation insofar as that information is necessary for the implementation of this Agreement.
2. Unless otherwise required by the laws and regulations of one Party, information about an individual which is transmitted in accordance with this Agreement to that Party by the other Party shall be used exclusively for the purpose of implementing this Agreement. Such information received by a Party shall be governed by the laws and regulations of that Party for the protection of confidentiality of personal data.

Article 11

Charges or Fees and Authentication

1. Insofar as the legislation of one Party, and in the case of **Japan**, other laws and regulations, contain provisions on an exemption or reduction of administrative charges or consular fees for documents to be submitted under the legislation of that Party, those provisions shall also apply to documents to be submitted in the application of this Agreement and the legislation of the other Party.
2. Documents which are presented for the purpose of this Agreement

and the legislation of a Party shall be exempted from requirements for authentication or any other similar formality by diplomatic or consular authorities.

Article 12

Languages of Communication

1. The competent authorities and competent institutions of the Parties may communicate directly with each other and with any concerned person wherever the person may reside whenever it is necessary for the administration of this Agreement. The communication may be in the respective languages of the Parties.
2. In implementing this Agreement, the competent authorities and competent institutions of one Party may not reject applications or any other documents for the reason that they are written in the language of the other Party.

Article 13

Applications, Appeals and Declarations

1. When a written application for benefits, an appeal or any other declaration under the legislation of one Party is submitted to a competent authority or competent institution of the other Party which is competent to receive similar applications, appeals or declarations under the legislation of that other Party, that application, appeal or declaration shall be deemed to be submitted on the same date to the competent authority or competent institution of the first Party and shall be dealt with according to the procedure and legislation of the first Party.
2. In any case to which this Article applies, the competent authority or competent institution of one Party to which the application for benefits, appeal or any other declaration has been submitted shall transmit it without delay to the competent authority or competent institution of the other Party.

Article 14

Payment of Benefits

Payments of benefits under this Agreement may be made in the currency of either Party.

Article 15

Resolution of Disagreements

1. The two Parties shall make all reasonable efforts to settle through negotiation any disagreement about the interpretation or application of this Agreement.
2. If any disagreement cannot be settled as in the provisions of paragraph 1 of this Article, it shall be submitted, at the request of either Party, for decision to an arbitral tribunal which shall be constituted for each

individual case in the following manner:

- (a) each Party shall appoint an arbitrator no later than sixty days after the date when one Party has notified the other through diplomatic channels of the request for arbitration. The two arbitrators shall agree to appoint a third arbitrator as chairman of the arbitral tribunal, who shall not be a national of either Party, and who shall be appointed no later than thirty days after the date when the Party which was the later to appoint its arbitrator has notified the other Party of the appointment; and
 - (b) if either Party fails to appoint an arbitrator, or if the arbitrators appointed by the Parties do not agree upon a chairman within the respective periods referred to in subparagraph (a) of this paragraph, either Party may request the President of the International Court of Justice to make the necessary appointments. If the President of the International Court of Justice is a national of one Party or is prevented from making the appointments for any other reason, the Vice-President of the International Court of Justice or, if the Vice-President is similarly prevented from acting, the most senior judge of the International Court of Justice who is not prevented may be requested to make the appointments.
3. The decision of the arbitral tribunal, which shall be binding and final on both Parties, shall be by majority vote.
4. Unless the arbitral tribunal decides otherwise:
 - (a) each Party shall bear the cost for its arbitrator, and of its representation before the arbitral tribunal; and
 - (b) the costs of the chairman and other expenses shall be shared equally between the two Parties.
5. The arbitral tribunal shall determine its own rules of procedure.

Article 16

Understandings with Provinces of **Canada**

The competent authorities of **Japan** and a province of **Canada** may conclude understandings concerning any social security matter within provincial jurisdiction in **Canada** insofar as those understandings are not inconsistent with the provisions of this Agreement.

Article 17

Headings

The headings of Articles of this Agreement are inserted for convenience of reference only and shall not affect the interpretation of this Agreement.

Article 18

Transitional Provisions

1. This Agreement shall not establish any entitlement to benefits for any

period prior to its entry into force or, as regards **Canada**, to a lump-sum death benefit under the **Canada Pension Plan** if the person died prior to its entry into force.

2. In the implementation of this Agreement, periods of coverage and periods of residence in **Canada** completed and other relevant events occurring before its entry into force shall be taken into account.

3. In applying paragraph 2 or 4 of Article 5, in the case of persons whose detachment or self-employment referred to in those paragraphs commenced prior to the date of entry into force of this Agreement, the period of such detachment or self-employment shall be considered to begin on the date of entry into force of this Agreement.

4. Decisions made before the entry into force of this Agreement shall not affect any rights to be established by virtue of this Agreement.

5. The application of this Agreement shall not result in any reduction in the amount of a benefit to which entitlement was established prior to its entry into force.

Article 19

Entry into Force

This Agreement shall enter into force on the first day of the fourth month following the month in which the Parties shall have completed an exchange of diplomatic notes informing each other that their respective statutory and constitutional requirements necessary to give effect to this Agreement have been fulfilled.

Article 20

Duration and Termination

1. This Agreement shall remain in force and effect until the last day of the twelfth month following the month in which either Party gives the other Party written notification through diplomatic channels of its termination.

2. If this Agreement is terminated in accordance with paragraph 1 of this Article, rights regarding entitlement to and payment of benefits acquired under it shall be retained.

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

DONE at Tokyo, this fifteenth day of February 2006, in duplicate, in the English, French and Japanese languages, each text being equally authentic.

Joseph Caron

FOR **CANADA**

Taro Aso
FOR JAPAN

Date Modified: 2008-04-02



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