

Plan if that person resides and is hired in Canada, and only to the legislation of Spain if that person resides and is hired in Spain. When the circumstances of the previous sentence do not apply, the person shall be subject only to the legislation of Spain if the ship flies the flag of Spain."

Article 4

Article 12 of the Convention shall be replaced by the following text:

"If a person is entitled to the payment of a benefit under the *Canada Pension Plan* solely through the application of the totalizing provisions of Chapter 1 of this Part, 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; and
- (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 contributions 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."