

credited strictly in accordance with the legislation of the said Party. In order to establish said theoretical amount, the Party whose legislation provides for the computation of the old age benefits based on the amount of earnings or contributions, determines the earnings or contributions to be taken into consideration for the periods credited according to the legislation of the other Party, based on the average earnings or contributions ascertained for the periods credited in accordance with the legislation applied.

- (b) Each Party shall pay an amount determined by multiplying the theoretical amount referred to in sub-paragraph (a) by the fraction that the periods credited under the legislation of that Party is, either of the total periods credited under the legislation of both Parties, or of such period as may be provided for by administrative arrangements.
- (c) The administrative arrangements referred to in Article XIX (3) shall include appropriate detailed formulae for the administration of sub-paragraphs (a) and (b).
- (d) Notwithstanding sub-paragraph (b), where the total of credited periods under sub-paragraph (a) is not equal to at least ten years, Canada will not be liable to pay any old age benefit under this Article, and where the total is not equal to at least twenty years, Canada will not be liable to pay any old age benefit under this Article in the territory of Italy.

(6) If the number of credited periods of a person under the legislation of one Party amounts in aggregate to less than 53 weeks, no benefit shall be paid by that Party by virtue of paragraphs (4) and (5), but those credited periods shall be accepted by the other Party for the purpose of applying the legislation of that Party.

## SPOUSE'S ALLOWANCE

### ARTICLE XII

(1) The legislation of Canada applicable in respect of the spouse's allowance under this Article shall, notwithstanding any other provision in this Agreement, be the Old Age Security Act excepting subsection 17.1(1) of that Act.

(2) If a person is not entitled to the spouse's allowance because he has not satisfied the residence requirements under the legislation of Canada, then, provided that he has resided in the territories of the Parties in aggregate, for at least ten years, Canada will pay an amount of spouse's allowance calculated in accordance with the legislation of Canada, and based on the relationship between the number of years of residence in Canada and the total of credited periods of residence in the territories of both Parties.

## SURVIVOR'S BENEFIT, DISABILITY BENEFIT, CHILDREN'S BENEFIT AND DEATH BENEFIT

### ARTICLE XIII

(1) The provisions of this Article shall apply to survivor's benefit, disability benefit, children's benefit and death benefit to the extent that the nature of the benefit may require.