

CHAPTER 3
BENEFITS UNDER THE LEGISLATION OF THE SLOVAK REPUBLIC

ARTICLE 16

Calculating the Amount of Benefit Payable

1. If, under the legislation of the Slovak Republic, a person or the survivors of that person are eligible for a benefit without the need to totalize creditable periods accumulated under the legislation of Canada and by only taking into account creditable periods accumulated under the legislation of the Slovak Republic, the competent institution of the Slovak Republic shall determine the amount of that benefit without regard to the length of the creditable periods accumulated under the legislation of Canada.
2. If, under the legislation of the Slovak Republic, a person or the survivors of that person are eligible for a benefit only by taking into account creditable periods accumulated under the legislation of both Contracting Parties, the amount of that benefit shall be determined as follows:
 - (a) the competent institution of the Slovak Republic shall first determine whether, under the legislation of the Slovak Republic, the person satisfies the conditions for eligibility by taking into account the totalized creditable periods;
 - (b) if the benefit is payable in accordance with sub-paragraph (a), the institution of the Slovak Republic shall first calculate the theoretical amount of the benefit payable as if the totalized creditable periods accumulated under the legislation of both Contracting Parties had been accumulated under the Slovak legislation alone;
 - (c) based on the theoretical amount of the benefit, the institution shall determine the amount of the benefit payable by calculating the proportion corresponding to the actual creditable periods accumulated under the legislation of the Slovak Republic and the total creditable periods accumulated under the legislation of both Contracting Parties.
3. If the creditable periods accumulated under the legislation of the Slovak Republic do not reach 12 months, no benefit under this Agreement shall be paid. However, the preceding sentence shall not apply if, under the legislation of the Slovak Republic, a benefit is payable based on those creditable periods alone. A creditable period of less than 12 months accumulated under the legislation of Canada shall be taken into account by the competent institution of the Slovak Republic for the calculation of the benefit payable under Slovak legislation.
4. If the competent institution of the Slovak Republic can only calculate the amount of a benefit by taking into account creditable periods accumulated under Slovak legislation, the provisions of paragraph 2 shall not apply.
5. If a person receives a pension benefit under the legislation of the Slovak Republic and concurrently receives a pension benefit of a different kind under the legislation of Canada, the reduction of the pension benefit payable under the legislation of the Slovak Republic due to the overlap of benefits shall not apply.