

CHAPTER 3

BENEFITS UNDER THE LEGISLATION OF MEXICO

Article 17

Calculating the Amount of Benefit Payable

A worker who has been successively or alternately subject to the legislation of both Parties shall be entitled to benefits included in this Agreement according to the following terms:

1. If the worker meets the requirements of the legislation of Mexico for entitlement to a benefit, the competent institution of Mexico shall take into account only the creditable periods completed under that legislation.
2. If the worker does not meet the requirements of the legislation of Mexico for entitlement to a benefit, the competent institution of Mexico shall totalize creditable periods under that legislation and creditable periods as provided in Chapter 1. When totalization results in entitlement to a benefit, the amount payable shall be calculated as follows:
 - (a) The competent institution of Mexico shall determine the amount of the benefit to which the person concerned would be entitled if all the totalized creditable periods had been completed under its own legislation (theoretical benefit).
 - (b) The amount of the benefit that Mexico shall be required to pay shall be determined by applying, to the theoretical benefit calculated according to its legislation, the same proportion as that between the creditable periods completed under the legislation of Mexico and the total creditable periods as provided in Chapter 1 (pro-rated benefit).
 - (c) If the resulting amount of the benefit is less than the legal minimum pension, the person concerned can opt to receive, in