

PART II

Provisions Concerning Benefits

ARTICLE 12

When creditable periods of coverage have been completed under the legislation of both Contracting States, the competent institution of each Contracting State shall, in determining eligibility for benefits under the legislation which it applies, take into account, to the extent necessary, periods which are creditable under the legislation of the other Contracting State, provided that such periods do not overlap with periods creditable under its legislation.

ARTICLE 13

The following shall apply as regards the Federal Republic of Germany:

- (a) The periods of coverage to be taken into account under Article 12 shall be assigned to that branch of insurance whose institution is responsible for determining entitlement to a pension if only German legislation is applied. If, according to the foregoing, the Miners' Pension Insurance is the competent institution, periods of coverage completed under the legislation of Canada shall be taken into account for the Miners' Pension Insurance only if they were completed in a mining enterprise in underground operations.
- (b) For purposes of determining eligibility for a benefit payable under German legislation through the application of Article 12:
 - (i) a month ending on or before December 31, 1965, which is recognized as a month of residence under the Old Age Security Act of Canada shall be considered as a month of contributions under German legislation;
 - (ii) a year commencing on or after January 1, 1966, in which a contribution has been made under the Canada Pension Plan shall be considered as twelve months of contributions under German legislation;
 - (iii) a month commencing on or after January 1, 1966, which is recognized as a month of residence under the Old Age Security Act of Canada and in relation to which no contribution has been made under the Canada Pension Plan shall be considered as a month of contributions under the German legislation.
- (c) The pension computation base (Rentenbemessungsgrundlage) shall be determined solely on the basis of the periods of coverage to be considered under German legislation.