

who is a citizen of the second Party may, however, elect to be subject to the legislation of the second Party and, in that case, shall not be subject to the legislation of the first Party in respect of such employment. Article 4 shall not apply to extend this right to elect to a person who is not a citizen of the second Party.

4. A person employed as a member of the crew of a ship who, but for this Convention, would be subject to the legislation of Spain as well as to the Canada Pension Plan in respect of that work shall, in respect thereof, be subject only to the legislation of Spain if the ship flies the flag of Spain and only to the Canada Pension Plan in any other case.

5. In exceptional cases, the competent authorities of the two Parties may, by common agreement, modify the application of the preceding provisions of this Article with respect to any persons or categories of persons.

6. Transitional rules for the application of this Article shall be provided in the Administrative Arrangement referred to in Article 17.

#### ARTICLE 7

For the application of the Old Age Security Act of Canada and, in particular, for the purpose of calculating benefits under that Act:

- (a) if a person is subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada during any period of residence in the territory of Spain, that period shall be considered as a period of residence in Canada for that person as well as for that person's spouse and dependants who reside with him or her and who are not subject to the legislation of Spain by reason of employment;
- (b) if a person is subject to the legislation of Spain by reason of employment during any period of residence in the territory of Canada, that period shall not be considered as a period of residence in Canada for that person and for that person's spouse and dependants who reside with him or her and who are not subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada by reason of employment.

#### ARTICLE 8

Insured periods completed under the Canada Pension Plan shall be taken into account, if necessary, for the application of the provisions of the legislation of Spain regarding voluntary insurance.