

PART III—PROVISIONS CONCERNING BENEFITS

OLD AGE BENEFIT

ARTICLE XI

(1) If a person is entitled to old age benefit under the legislation of either Party without recourse to the following provisions of this Article, the benefit payable under the legislation of Italy shall be payable in the territory of Canada; and the benefit payable under the legislation of Canada shall be payable in the territory of Italy provided that either the number of years of residence in Canada under legislation of Canada total to at least twenty, or the periods of residence in the territories of both Parties aggregated pursuant to the rules referred to in paragraph (4) of this Article when expressed as years in Canada total to at least twenty.

(2) The legislation of Canada applicable to the remaining provisions of this Article shall, notwithstanding any other provision in this Agreement, be the Old Age Security Act excepting subsection 3 (1) of that Act.

(3) If a person is not entitled to old age benefit on the basis of the periods credited under the legislation of either Party, entitlement to old age benefit shall be determined by totalizing the credited periods in accordance with the provisions of the succeeding paragraphs of this Article.

(4) (a) For purposes of determining the amount of old age benefit payable by Canada under paragraph (5) of this Article, residence in the territory of Italy shall be treated as residence in the territory of Canada.

(b) For purposes of determining the amount of old age benefit payable by Italy under paragraph (5) of this Article,

(i) a week ending on or before December 31, 1965, which would be recognized as a week of residence under the Old Age Security Act shall be treated as a week of contributions under the legislation of Italy;

(ii) a year commencing on or after January 1, 1966, in which a contribution has been made to the Canada Pension Plan shall be accepted as 52 weeks of contribution under the legislation of Italy and in a year in which an equivalent period is credited under the Canada Pension Plan and no contribution to that program is made, a week in that equivalent period shall be accepted as a week of contributions under the legislation of Italy;

(iii) a week commencing on or after January 1, 1966, which would be a week of residence for the purposes of the Old Age Security Act and in relation to which no contribution has been made under the Canada Pension Plan, shall be accepted as a week of contributions under the legislation of Italy.

(5) (a) Each Party shall determine, in accordance with the criteria set forth in the preceding paragraph, the theoretical amount of the old age benefit to which the person concerned would be entitled if all the periods credited on the basis of the legislation of both the Parties had been