

CHAPTER III

Benefits Payable by Belgium

ARTICLE 11

Benefits Under the Invalidity Insurance and Under the Old Age and Survivor's Insurance

1. The institution of Belgium shall determine, according to the provisions of the applicable legislation, if the insured person fulfills the required conditions for entitlement to benefits, taking into account, where necessary, the provisions of Article 7.

2. If the insured person does fulfill the conditions referred to in paragraph 1 of this Article, the said institution shall calculate the theoretical amount of the benefit to which he would be entitled if all the periods completed under the legislation of each Contracting State had been completed exclusively under the legislation being applied. If, under the legislation, the amount of the benefit does not depend on the duration of the insurance periods, this amount is considered as the theoretical amount.

3. The said institution shall then calculate the actual amount of benefit due to the interested person, on the basis of the theoretical amount referred to in paragraph 2 of this Article, and multiply this amount by the fraction represented by the duration of the insurance periods completed under the applicable legislation prior to the contingency, in relation to the total duration of the insurance periods completed under the legislation of both Contracting States prior to the contingency.

4. If the computation of the amount determined solely on the basis of the insurance periods completed in Belgium results in an amount at least equal to the amount obtained through the computation method referred to in paragraphs 2 and 3 of this Article, the competent institution of Belgium may apply this direct computation method.

ARTICLE 12

1. Where, under the legislation of Belgium, the awarding of a benefit is subject to insurance periods having been completed in a given profession, only the periods completed or recognized as equivalent in the same profession in Canada shall be totaled to determine eligibility for such benefit.

2. If, after taking into account the periods so completed, the interested person does not fulfill the required conditions to receive such benefit, those periods shall be taken into account for purposes of awarding benefits payable under the general scheme.

3. The awarding of a retirement pension before the age of fifty-five shall be limited to miners who fulfill the conditions imposed by the said legislation, taking into account only the work performed in coal mines or underground quarries of Belgium.