

under that Plan to establish entitlement to that benefit, but in no case shall that fraction exceed the value of one.

CHAPTER 3 BENEFITS UNDER THE LEGISLATION OF LUXEMBOURG

ARTICLE XII

1. If a person is entitled to a pension under the legislation of Luxembourg without recourse to Article VIII, the institution of Luxembourg shall calculate, in accordance with the provisions of that legislation, the pension corresponding to the total length of the periods of insurance to be taken into account under that legislation.

The institution shall also calculate the pension which would be payable by applying the provisions of paragraph 2 below.

Only the highest amount shall be taken into consideration.

2. If a person is entitled to a pension under the legislation of Luxembourg, but solely through totalizing the periods as provided in Article VIII, the following rules shall apply:
 - (a) the institution of Luxembourg shall calculate the theoretical amount of the pension to which the applicant would be entitled if all the periods completed in accordance with the legislation of both Parties, when totalized in conformity with paragraph 3 of Article VIII, had been completed exclusively under its own legislation;
 - (b) on the basis of this theoretical amount, the institution of Luxembourg shall then determine the actual amount of the pension prorated according to the length of the periods of insurance completed under the legislation being applied in relation to the