

ARTICLE 6

**Provisions regarding Benefits
under the Legislation of Canada**

The following provisions shall apply to Canada:

1. For the purpose of calculating the amount of benefits under the *Old Age Security 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 in which that person is present or resides in the territory of Japan, that period shall be considered as a period of residence in Canada for that person as well as for that person's spouse or common-law partner and dependants who reside with him or her and who are not subject to the legislation of Japan;
- (b) if a person is subject to the legislation of Japan during any period in which that person is present or resides 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 or common-law partner and dependants who reside with him or her unless that person's spouse or common-law partner and dependants are subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada by reason of employment or self-employment.

2. In the application of paragraph 1 of this Article:

- (a) a person shall be considered to be subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada during a period in which that person is present or resides in the territory of Japan only if that person makes contributions pursuant to the plan concerned during that period by reason of employment or self-employment.

That person's spouse or common-law partner and dependants who reside with him or her shall be considered to be subject to the legislation of Japan during a period in which that person's spouse or common-law partner and dependants are present or reside in the territory of Japan only if that person's spouse or common-law partner and dependants are covered as Category II insured persons under the National Pension during that period;