

CHAPTER III

BENEFITS UNDER THE LEGISLATION OF BRAZIL

ARTICLE 16

Calculating the Amount of Benefit Payable

1. If a person is eligible for a benefit under the legislation of Brazil without the application of the totalizing provisions of Chapter I, the competent institution of Brazil shall determine the amount of the benefit payable exclusively on the basis of the periods of coverage which that person has completed under the legislation of Brazil.
2. If a person is eligible for a benefit under the legislation of Brazil solely through the application of the totalizing provisions of Chapter I, the competent institution of Brazil:
 - (a) shall calculate the theoretical amount of the benefit which would be payable if the total periods of coverage had been completed under the legislation of Brazil;
 - (b) on the basis of that theoretical amount, shall then calculate the actual amount of the benefit payable according to the ratio between the periods of coverage completed under the legislation of Brazil and the total of the periods of coverage under the legislation of both Parties not to exceed the minimum period necessary to establish eligibility to the benefit;
 - (c) shall in no case apply sub-paragraph (a) so as to result in a theoretical benefit amount which is lower than the minimum guarantee provided under the legislation of Brazil.