

ARTICLE 12

1. (a) If a person is not entitled to a disability pension, disabled contributor's child's benefit, survivor's pension, orphan's benefit or death benefit solely on the basis of the periods creditable under the Canada Pension Plan, but is entitled to that benefit through totalizing insured periods as provided in Article 9, the competent institution of Canada shall calculate the amount of the earnings-related portion of such benefit in conformity with the provisions of the Canada Pension Plan, exclusively on the basis of the pensionable earnings credited under that legislation.
- (b) The amount of the flat rate portion of the benefit payable under the provisions of this Convention shall, in this case, be determined by multiplying:
 - (i) the amount of the flat rate portion of the benefit determined under the provisions of the Canada Pension Plan
 - by
 - (ii) the fraction which represents the ratio of the periods of contributions to the Canada Pension Plan in relation to the minimum period of contributions required under the Canada Pension Plan for entitlement to that benefit.

2. No benefit shall be paid under this Article unless the contributor has reached an age at which his or her contributory period, as defined in the Canada Pension Plan, is at least equal to the minimum period of contributions required under the Canada Pension Plan for entitlement to that benefit.

3. Paragraphs 1 and 2 of this Article shall apply, if necessary, to a retirement pension under the Canada Pension Plan.

CHAPTER 3

APPLICATION OF THE LEGISLATION OF SPAIN

ARTICLE 13

1. If a person does not satisfy the conditions for entitlement to a benefit under the legislation of Spain without recourse to the principle of totalization of periods, as provided for in Article 9, the competent institution of Spain shall proceed as follows:

- (a) it shall calculate the theoretical amount of the benefit to which the beneficiary would be entitled if all the insured periods completed under the legislation of the two Parties had been completed under the legislation applied by the aforesaid competent institution; in no case may the sum of the insured periods under the legislation of Canada, when added to those under the legislation of Spain, exceed the maximum period established by the legislation of Spain with respect to the benefit in question;