

Article 5

1. Article 13, sub-paragraph 1(c) of the Convention shall be replaced by the following text:

"c) for purposes of determining the computation base of the benefit (la base reguladora para el cálculo de la prestación) under the provisions of this Article, when all or part of the contribution period which must be taken into account by the Spanish competent institution corresponds to insured periods completed under the legislation of Canada, that competent institution shall take into account the person's actual contribution bases paid by that person in Spain during the years immediately preceding the date on which the last contribution was due under the Spanish social security system, and the amount of the benefit thus obtained shall be adjusted to take account of the increases and reassessments prescribed for the same category of benefits for each subsequent year until the occurrence of the contingency which gives rise to the benefit."

2. Article 13, sub-paragraph 1(d) and paragraph 2 of the Convention shall be replaced by the following text:

"2. If the legislation of Spain makes award of a benefit conditional on the fact that the person concerned must be subject to that legislation at the time of the occurrence of the contingency which gives rise to the benefit, this condition shall be deemed to be met if, at that time, that person is insured under the legislation of Canada or, if that is not the case, is in receipt of a benefit of the same kind under the legislation of Canada or a benefit of a different kind but one paid on account of the beneficiary him/herself. This same principle shall apply for the awarding of survivors' pensions where, if required, account is taken of the fact that the person in respect of whom a benefit is being claimed was validly insured (situación de alta) or in receipt of a benefit under the legislation of Canada."