

provisions of this Part shall be considered as residing in the Netherlands.

2. The provision of paragraph 1 shall apply by analogy to the spouse and children accompanying a person described in paragraph 2 or 5(b) of Article VI from the territory of one Party to the territory of the other Party, unless they themselves take up a gainful occupation or are receiving a pension or a cash benefit under the legislation of the latter Party.

### PART III

#### PROVISIONS CONCERNING BENEFITS

##### CHAPTER I

##### BENEFITS UNDER THE LEGISLATION OF CANADA

###### Article IX

###### *Totalizing of creditable periods*

1. If a person is not entitled to a benefit on the basis of the periods creditable under the legislation of Canada, eligibility for that benefit shall be determined by totalizing these periods and periods creditable under the legislation of the Netherlands, provided that the periods do not overlap.

2. If a person is not entitled to a benefit under the legislation of Canada on the basis of the periods creditable under the legislation of the Parties, totalized as provided in this Agreement, eligibility for that benefit shall be determined by totalizing these periods and periods creditable under the laws of a third State with which both Parties are bound by an international social security instrument which provides for totalizing of periods.

###### Article X

###### *Benefits under the old age security act*

1. (a) If a person is entitled to payment of a pension in Canada under the Old Age Security Act without recourse to the provisions of this Agreement, but has not accumulated sufficient periods of residence in Canada to qualify for payment of the pension abroad under that Act, a partial pension shall be paid to that person outside the territory of Canada if the creditable periods, when totalized as provided in this Agreement, are at least equal to the minimum period of residence in Canada required by the Old Age Security Act for payment of a pension abroad.

(b) The amount of the pension payable shall, in this case, be calculated in conformity with the provisions of the Old Age Security Act governing the payment of a partial pension, exclusively on the basis of the periods creditable under that Act.

2. (a) If a person is not entitled to an Old Age Security pension or a spouse's allowance solely on the basis of periods of residence in Canada, a partial pension or a spouse's allowance shall be paid to that person if the creditable periods, when totalized as provided in this Agreement, are at least equal to the minimum period of residence in Canada required by the Old Age Security Act for payment of a pension or a spouse's allowance.

(b) The amount of the pension or the spouse's allowance payable shall, in this case, be calculated in conformity with the provisions of the Old Age Security Act governing the payment of a partial pension or a spouse's allowance, exclusively on the basis of the periods creditable under that Act.

3. (a) Notwithstanding any other provision of this Agreement, the competent institution of Canada shall not be liable to pay an Old Age Security pension outside the territory of Canada unless the creditable periods, when totalized as provided in this Agreement, are at least equal to the minimum period of residence in Canada required by the Old Age Security Act for payment of a pension abroad.

(b) The spouse's allowance and the guaranteed income supplement shall be paid outside the territory of Canada only to the extent permitted by the Old Age Security Act.