

resides in its territory. In the latter case he may, however, within three months of the beginning of the employment, elect to be subject only to the legislation of the former Party if he is a national thereof.

2. Paragraph 1. of this Article shall apply correspondingly to persons employed by the Austrian National Tourist Office in Canada.

3. In the application of this Article, the employer in question shall respect all the requirements prescribed for employers by the applicable legislation.

ARTICLE 9

1. At the request of an employed person and his employer, the competent authorities of the two Parties may provide, by agreement with one another, exceptions in the application of Articles 6 to 8 of this Agreement, taking into account the nature and circumstances of the employment.

2. Where, in accordance with paragraph 1. of this Article, a person is subject to Austrian legislation, that legislation shall apply to him as if he were employed in the territory of Austria.

ARTICLE 10

For the purposes of the Old Age Security Act of Canada:

- (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 of residence in the territory of Austria, that period shall be accepted as a period of residence in Canada for that person as well as for that person's spouse and dependants who reside with him or her and who are not subject to Austrian legislation by reason of employment;
- (b) if a person is subject to Austrian legislation in respect of employment exercised in the territory of Canada, the period during which that employment is exercised shall not be accepted as a period of residence in Canada for that person or for that person's spouse or dependants who reside with him or her and who are not subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada by reason of employment.

PART III

PROVISIONS CONCERNING BENEFITS

ARTICLE 11

If a person has completed periods of coverage under the legislation of both Parties, these periods, insofar as they do not overlap, shall be added together for the purpose of acquiring entitlement to a benefit.