

SECTION 1

Benefits under the Legislation of Austria

ARTICLE 12

1. If a person who has completed periods of coverage under the legislation of both Parties, or the survivor of such a person, is claiming a benefit, the competent Austrian institution shall determine the amount of the benefit in the following manner:

- (a) the institution shall determine, in accordance with Austrian legislation, whether the person concerned has an entitlement to a benefit by adding together the periods of coverage, as provided in Article 11;
- (b) if entitlement to a benefit is determined to exist, the institution shall first calculate the theoretical amount of the benefit which would be payable if all the periods of coverage completed under the legislation of both Parties had been completed exclusively under Austrian legislation; in cases where the amount of the benefit is independent of the duration of the period of coverage, this amount shall be taken to be the theoretical amount;
- (c) the institution shall then calculate the partial benefit payable on the basis of the amount calculated in accordance with the provisions of subparagraph (b) in proportion to the ratio between the duration of the periods of coverage to be taken into consideration under Austrian legislation and the total duration of the periods of coverage to be taken into consideration under the legislation of both Parties.

2. Where the periods of coverage to be taken into consideration under Austrian legislation for the purpose of calculating the amount of a benefit are in aggregate less than twelve months, no benefit under that legislation shall be paid. However, the preceding sentence shall not apply if the entitlement to that benefit has been acquired under Austrian legislation exclusively on the basis of periods of coverage completed under that legislation.

ARTICLE 13

The competent Austrian institution shall apply Articles 11 and 12 according to the following rules:

- (1) In determining the institution responsible for paying a benefit, only periods of coverage under Austrian legislation shall be taken into consideration.
- (2) Articles 11 and 12 shall apply neither to the conditions of entitlement to nor to the payment of the miners' long service allowance under the miners' pension insurance.
- (3) For the application of Article 11 and paragraph 1. of Article 12: