

4. This Agreement shall apply to the survivors and to the members of the family of persons who were subject to the legislation of one of the Contracting States, regardless of the nationality of the deceased, if the survivors or family members are Canadian or Belgian nationals.

5. For the purposes of this Agreement, nationals of one or of the other Contracting State shall include:

- (a) with respect to the legislation of Canada: persons who are or have been subject to the Canadian legislation specified in paragraph 1 (a) of Article 2;
- (b) with respect to the legislation of Belgium and to the extent that they reside in the territory of one of the Contracting States:
  - (i) refugees within the meaning of the Convention of the Status of Refugees of July 28, 1951 and the Protocol on the Status of Refugees of January 31, 1967;
  - (ii) stateless persons within the meaning of the Convention on the Status of Stateless Persons of September 28, 1954;
  - (iii) relatives and survivors deriving rights in respect of refugees and stateless persons.

6. The provisions of paragraphs 2 and 6 of Article 5 shall be applicable without restriction by reason of nationality.

7. Retirement and survivors' pensions based on insurance periods completed under the legislation of Belgium may be paid in favour of nationals of a third State with which Belgium has a social security convention, provided that they reside in the territory of Canada.

#### ARTICLE 4

The legislation of one Contracting State which provides for the reduction, suspension or termination of benefits when these benefits coincide with other social security benefits, a remuneration or income from a professional activity shall be applied to beneficiaries who receive benefits paid under the legislation of the other Contracting State or a remuneration or income from a professional activity in the other Contracting State.

However, this rule shall not be applied in the case of coinciding benefits of the same type, calculated proportionately to the duration of the periods of insurance in both Contracting States.

For the application of this Article:

- (a) the Canadian benefits specified in Part V shall be considered as benefits calculated proportionately;
- (b) the Spouse's Allowance shall not be taken into account.