

CHAPTER 3

BENEFITS UNDER THE LEGISLATION OF FRANCE

ARTICLE 18

Calculation of Old Age or Survivor's Benefits – France

1. If a person who is, or who has been, subject successively or alternately to the legislation of each Contracting State, meets the eligibility criteria for an old age or survivor's benefit under the legislation of France, the competent institution shall determine the amount of the benefit, first, in accordance with the applicable legislation taking into account only the insurance periods completed under that legislation and, second, in accordance with paragraph 2, the most advantageous outcome for the person shall be applied.
2. If a person does not meet the eligibility conditions set out under the legislation of France without the application of the totalization of insurance periods, or for the purpose of determining the most advantageous outcome in accordance with paragraph 1, the competent institution of France shall determine that person's entitlement to the benefit as if all insurance periods completed in the other Contracting State and in one or more third States with which both Contracting States are bound by a social security agreement were completed exclusively under the legislation of France. The competent institution of France shall then reduce the amount of the benefit thus determined by a pro-rata amount based on the ratio of the length of the insurance periods completed under the applicable legislation before the date on which the contingency occurred to the total length of the insurance periods completed under the legislation of the Contracting States and one or more third States before the date on which the contingency occurred. The total length of the periods shall not exceed the maximum period that may be required under the applicable legislation for entitlement to a full benefit.
3. If, in accordance with the legislation of France, the benefits payable are based on the salary or average income for all or a portion of the insurance period, the salary or average income taken into account for the calculation of the benefit by the competent institution or institutions of France shall only be based on the insurance period completed under the legislation applied by that institution.

ARTICLE 19

Cases of Successive Application of Legislation

1. If a person requests the determination of their eligibility solely under the legislation of France, without the determination of eligibility under the legislation of Canada, the amount of the benefit payable under the legislation of France shall be calculated in accordance with Article 18(1) or (2), as applicable.
2. If entitlement to a benefit is subsequently determined under the legislation of Canada, there is not a requirement to recalculate the entitlement previously determined under the legislation of France.