

resumed by the institution or authority responsible for paying the pension originally granted.

3. If after cancellation of the pension, the state of health of the insured person warrants the granting of a new disability pension, the rules established by Article X shall be applicable.

Section 2 – Old Age and Survivors (Pensions)

Eligibility for Benefits

ARTICLE 12

A national of France or Canada who has been subject in succession or alternately to the old age insurance plans of each Contracting State shall receive benefits under the following conditions:

- I. If the interested person meets the eligibility requirements for benefits under the legislation of both States, the competent institution or authority of each Contracting State shall determine the amount of the benefit in accordance with the provisions of the legislation which it is applying, taking into account only the insurance periods completed under that legislation.
- II. Where the requirements of duration of insurance for eligibility under neither State's legislation are met by the interested person, the benefits which may be claimed from the institutions or authorities applying the legislation shall be determined and paid in accordance with the following rules:

A. *Totalization of Periods*

- (1) For the purposes of applying the legislation of France and of Canada, all of the insurance or assimilated periods shall be totalized to the extent necessary, provided they do not overlap, in order to establish eligibility for benefits and to maintain or regain this eligibility.
- (2) The periods assimilated with insurance periods shall be, in each State, those which are recognized as such or credited under the legislation of that State.

The general administrative arrangement will set out the rules to follow in the case of overlapping periods.

B. *Determination of the Benefit Payable*

- (1) Taking into account the totalization of periods carried out as described above, the competent institution or authority of each State shall determine, in accordance with its own legislation, whether the interested person fulfills the eligibility requirements for an old age benefit under that legislation.
- (2) When entitlement to a pension is established, the competent institution or authority of each State shall determine, theoretically, where necessary, the amount of the benefit to which the insured person would be eligible if all the insurance periods or periods considered equivalent, totalized in accordance with the rules set out in sub-paragraph II A, had been completed exclusively in accordance with its own legislation.