however, for the purpose of this Agreement, the National Pension shall not include the Old Age Welfare Pension or any other pensions which are granted on a transitional or complementary basis for the purpose of welfare and which are payable wholly or mainly out of national budgetary resources.

2. The legislation referred to in paragraph 1 of this Article shall not include any treaty or other international agreement on social security concluded between a Contracting Party and a third State, or legislation promulgated exclusively for the specific implementation of that treaty or agreement.

Article 3
Personal Scope

This Agreement shall apply to all persons who are or have been subject to the legislation of a Contracting Party, as well as to the family members or survivors who derive rights from such persons.

Article 4
Equality of Treatment

Unless otherwise provided in this Agreement, the persons specified in Article 3, who ordinarily reside in the territory of a Contracting Party, shall receive equal treatment with nationals of that Contracting Party in the application of the legislation of that Contracting Party.

However, the foregoing shall not affect the provisions under the legislation of Japan on complementary periods for Japanese nationals on the basis of ordinary residence outside the territory of Japan.

PART II
PROVISIONS CONCERNING
THE APPLICABLE LEGISLATION

Article 5
General Provision

Unless otherwise provided in this Agreement, a person who works as an employee in the territory of a Contracting Party shall, with respect to that work, be subject only to the legislation of that Contracting Party.

Article 6
Detached Persons

1. Where a person who is covered under the legislation of a Contracting Party and employed in the territory of that Contracting Party by an employer with a place of business in that territory is sent by that employer to the territory of the other Contracting Party in the context of that employment to perform services there for that employer, only the legislation of the first Contracting Party shall apply with respect to that employment during the first five years of such detachment as if the employee were still working in the territory of the first Contracting Party.

2. In case the detachment referred to in paragraph 1 of this Article continues beyond five years, the competent authorities or the competent institutions of both Contracting Parties may agree that the employee remains subject only to the legislation of the first Contracting Party.

Article 7
Employees on Board Sea-going Vessels and Aircraft

1. Where a person works as an employee on board a sea-going vessel flying the flag of one Contracting Party and would otherwise be subject to the legislation of both Contracting Parties, that person is subject only to the legislation of the first Contracting Party.

Notwithstanding the foregoing, that person shall be subject only to the legislation of the other Contracting Party, if that person ordinarily resides in the territory of that other Contracting Party.

2. A person who works as an employee on an aircraft in international traffic and would otherwise be subject to the legislation of both Contracting Parties shall, with respect to that employment, be subject only to the legislation of the Contracting Party in whose territory the employer is located.

Article 8
Members of Diplomatic Missions
and Consular Posts and Civil Servants

1. Nothing in this Agreement shall affect the provisions of the *Vienna Convention on Diplomatic Relations* of April 18, 1961, or of the *Vienna Convention on Consular Relations* of April 24, 1963.