3. Paragraph 1 of this Article shall also apply where a person who has been sent by his or her employer from the territory of one Contracting State to the territory of a third State is subsequently sent by that employer from the territory of the third State to the territory of the other Contracting State.

4. A person who would otherwise be covered under the legislation of both Contracting States with respect to self-employment and who is a resident of one Contracting State shall be subject only to the legislation of the Contracting State of which he or she is a resident. If this person is thus subject only to the Japanese legislation, paragraph 1(c) of this Article shall apply accordingly.

5. This Article shall not apply to a person who is employed in the territory of Japan by an employer with a place of business in that territory or who ordinarily works as a self-employed person in the territory of Japan, if that person is not covered under the Japanese legislation concerning the Japanese pension systems specified in paragraph 2(a) of Article 2.

Article 8
Employees on Board a Sea-Going Vessel or on an Aircraft in International Traffic

1. Where the legislation of both Contracting States would otherwise apply to a person who works as an employee on board a sea-going vessel flying the flag of a Contracting State, that person shall be subject only to the legislation of that Contracting State. Notwithstanding the foregoing, that person shall be subject only to the legislation of the other Contracting State if that person is employed by an employer with a place of business in the territory of the other Contracting State, provided that that person is not a resident of the first Contracting State.

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

Article 9
Members of Diplomatic Missions, Members of 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.

2. Subject to paragraph 1 of this Article, where any civil servant of one Contracting State or any person treated as such in the legislation of that Contracting State is sent to work in the territory of the other Contracting State, that person shall be subject only to the legislation of the first Contracting State as if that person were working in the territory of the first Contracting State. If this person is thus subject only to the Japanese legislation, paragraph 1(c) of Article 7 shall apply accordingly.

Article 10
Exceptions to Articles 6 to 9

At the request of an employee and an employer or a self-employed person, the Japanese competent authorities or the Japanese competent institutions and the Austrian competent authority may by taking into account the nature and circumstances of the employment or self-employment, agree to grant an exception to Articles 6 to 9 in the interest of particular persons or categories of persons, provided that such persons or categories of persons shall be subject to the legislation of one of the Contracting States.

Article 11
Spouse and Children

1. While a person works in the territory of Japan and is subject to the Austrian legislation in accordance with Article 7 (except paragraph 4) or Article 10 applied to persons who are sent to Japan by an employer with a place of business in Austria, the spouse or children coming with that person shall be exempted from the Japanese legislation concerning the Japanese pension system specified in paragraph 2(a)(i) of Article 2 provided that the requirements specified in the Japanese legislation concerning the enforcement of the agreements on social security are fulfilled. However, when those spouse or children so request, the foregoing shall not apply.