

- (e) Article 5 shall not apply to a person who resides in Canada with regard to a pension under the German legislation governing occupational disability, general disability or reduced capacity for gainful employment as a miner, if the occupational disability, the general disability or the reduced capacity for gainful employment as a miner is not due solely to the person's state of health.
- (f) As regards the legislation of Canada, Article 5 shall also apply to the persons specified in subparagraph (e) of Article 3.

5. With reference to Articles 6, 7 and 8 of the Agreement:

Articles 6, 7 and 8 shall apply, as appropriate, to persons who are not employees but who are nevertheless subject to the legislation described in Article 2(1)(a).

6. With reference to Article 7 of the Agreement:

Article 7 shall also apply if the employee was sent to the other Contracting State before the entry into force of the Agreement. In that case, the period of sixty calendar months shall run from the date of the entry into force.

7. With reference to Article 9 of the Agreement:

- (a) When a German national is employed in the territory of Canada by the government or other public employer of the Federal Republic of Germany, the German legislation shall apply for the duration of the employment as though it were employment in the territory of the Federal Republic of Germany, unless the legislation of Canada is applicable as described in Article 9.
- (b) For persons already employed on the date of the entry into force of the Agreement, the time period mentioned in Article 9(2) shall begin on that date.
- (c) Article 9 of the Agreement and subparagraphs (a) and (b) above shall apply correspondingly to a person who is employed as a private servant by a member or employee of an official German representation in Canada.

8. With reference to Article 10 of the Agreement:

- (a) As regards the Federal Republic of Germany, a person who is not employed in its territory shall be deemed to be employed at the place where he had his last previous employment. If he was not previously employed in the territory of the Federal Republic of Germany, he shall be deemed to be employed at the place where the competent German authority is domiciled.
- (b) Application may be made under Article 10 for a continuation of the application of the provisions of Article 7 if the employment in the other Contracting State exceeds sixty calendar months.