

5. Where the same activity is considered to be self-employment under the legislation of a Contracting State and employment under the legislation of the other Contracting State, that activity shall be treated according to the provisions of paragraph 4 if the person is a resident of the first Contracting State and according to the provisions of this Article concerning employment in any other case.
6. This Agreement shall not affect the provisions of the *Vienna Convention on Diplomatic Relations* of 18 April 1961 or of the *Vienna Convention on Consular Relations* of 24 April 1963.
7. A person who, but for this Agreement, would be subject to the legislation of both Contracting States in respect of employment as a member of the crew of a ship or aircraft shall, in respect of that employment, be subject only to the legislation of Canada if the person ordinarily resides in Canada and only to the legislation of Korea in any other case.
8. The competent authorities of the Contracting States may, by common agreement, grant an exception to the provisions of this Article with respect to any person or categories of persons, provided that any affected person shall be subject to the legislation of one of the Contracting States.

ARTICLE 6

Definition of Certain Periods of Residence with Respect to the Legislation of Canada

1. For the purpose of calculating the amount of benefits under the *Old Age Security Act*:
 - (a) if a person is subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada during any period of presence or residence in Korea, that period shall be considered as a period of residence in Canada for that person as well as for that person's spouse and dependants who reside with the person and who are not subject to the legislation of Korea by reason of employment or self-employment;
 - (b) if a person is subject to the legislation of Korea during any period of presence or residence in Canada, that period shall not be considered as a period of residence in Canada for that person and for that person's spouse and dependants who reside with the person and who are not subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada by reason of employment or self-employment.
2. In the application of paragraph 1:
 - (a) a person shall be considered to be subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada during a period of presence or residence in Korea only if that person makes contributions under the plan concerned during that period by reason of employment or self-employment; and