

Arrêté grand-ducal du 17 mai 2017 portant publication de l' « *administrative arrangement for the implementation of the agreement between the Grand Duchy of Luxembourg and Japan on social security, done at Tokyo, this 24th day of April 2017* ».

Nous Henri, Grand-Duc de Luxembourg, Duc de Nassau,

Vu la loi du 5 avril 2016 portant approbation de la Convention en matière de sécurité sociale entre le Grand-Duché de Luxembourg et le Japon, signée à Tokyo, le 10 octobre 2014 et entrera en vigueur à la date du 1^{er} août 2017;

Vu l'article 37 de la Constitution;

Sur le rapport de Notre Ministre des Affaires étrangères et européennes et de Notre Ministre de la Sécurité sociale et après délibération du Gouvernement en Conseil;

Arrêtons:

Art. 1^{er}.

L' « *administrative arrangement for the implementation of the agreement between the Grand Duchy of Luxembourg and Japan on social security, done at Tokyo, this 24th day of April 2017* », est publié au Journal officiel du Grand-Duché de Luxembourg pour sortir ses effets à la date de l'entrée en vigueur de la convention, à savoir le 1^{er} août 2017, conformément à l'article 14 dudit arrangement administratif.

Art. 2.

Notre Ministre des Affaires étrangères et européennes et Notre Ministre de la Sécurité sociale sont chargés, chacun en ce qui le concerne, de l'exécution du présent arrêté.

*Le Ministre des Affaires étrangères
et européennes,*
Jean Asselborn

Le Ministre de la Sécurité sociale,
Romain Schneider

Palais de Luxembourg, le 17 mai 2017.
Henri

**ADMINISTRATIVE ARRANGEMENT
FOR THE IMPLEMENTATION
OF THE AGREEMENT BETWEEN
THE GRAND DUCHY OF LUXEMBOURG
AND JAPAN
ON SOCIAL SECURITY**

In accordance with subparagraph (a) of paragraph 1 of Article 22 of the Agreement between the Grand Duchy of Luxembourg and Japan on Social Security, signed at Tokyo on the 10th of October 2014, the competent authorities of Luxembourg and Japan have decided upon as follows:

PART I GENERAL PROVISIONS

Article 1 Definitions

1. For the purposes of this Administrative Arrangement,
 - (a) "Agreement" means the Agreement between the Grand Duchy of Luxembourg and Japan on Social Security, signed at Tokyo on the 10th of October 2014; and
 - (b) "Arrangement" means this Administrative Arrangement.
2. Any other term used in this Arrangement will have the same meaning given to it in the Agreement.

Article 2 Liaison Agencies

In accordance with subparagraph (b) of paragraph 1 of Article 22 of the Agreement, the following are designated as liaison agencies:

1. for Japan:
 - (a) for the National Pension and for the Employees' Pension Insurance to the extent that the Category I insured persons under the Employees' Pension Insurance are concerned,

the Minister of Health, Labour and Welfare and the Japan Pension Service;
 - (b) for the Employees' Pension Insurance to the extent that the Category II insured persons under the Employees' Pension Insurance are concerned,

the Federation of National Public Service Personnel Mutual Aid Associations;

(c) for the Employees' Pension Insurance to the extent that the Category III insured persons under the Employees' Pension Insurance are concerned,

the Pension Fund Association for Local Government Officials; and

(d) for the Employees' Pension Insurance to the extent that the Category IV insured persons under the Employees' Pension Insurance are concerned,

the Promotion and Mutual Aid Corporation for Private Schools of Japan;

2. for Luxembourg:

The General Inspectorate of Social Security (*Inspection générale de la sécurité sociale*).

Article 3

Forms and Detailed Procedures

The liaison agencies of the Contracting States will mutually decide upon the forms and detailed procedures necessary to implement the Agreement in cooperation with the competent authorities.

Article 4

Competent Institutions of Luxembourg

The competent institutions of Luxembourg referred to in subparagraph (e) of paragraph 1 of Article 1 of the Agreement shall be:

1. concerning the pension insurance in case of old-age, invalidity and survivorship:

(a) the National Pension Insurance Fund (*Caisse nationale d'assurance pension*)

(b) the bodies competent for the special pension schemes for civil servants and persons treated as such:

(i)- Public Staff Administration (*Administration du personnel de l'Etat*);

(ii)-Municipal Staff Provident Fund (*Caisse de prévoyance des fonctionnaires et employés communaux*);

(iii)-National Company of Luxembourg Railways - Pensions Department (*Société nationale des Chemins de fer luxembourgeois – Service des pensions*).

2. concerning the assessment of invalidity:

The Medical Control of Social Security

3. concerning the application of Article 21 of the Agreement and Article 5 of this Arrangement:

The Common Centre of Social Security.

PART II

PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 5

Certificate of coverage of Employed and Self-employed Persons

1. If the legislation of a Contracting State applies to an employee, a civil servant (including a person treated as a civil servant in the legislation of that Contracting State wherever the term is used herein) or a self-employed person pursuant to Article 7, Article 8, paragraph 2 of Article 9 or Article 10 of the Agreement, the liaison agency or competent institution of that Contracting State, upon request of the persons concerned, will issue a certificate stating that the employee, the civil servant or the self-employed person is subject to the legislation of that Contracting State and indicating the duration for which the certificate will be valid. The certificate will be evidence that the employee, the civil servant or the self-employed person is exempt from the legislation on compulsory coverage of the other Contracting State.

2. The liaison agency or competent institution of a Contracting State which issues a certificate referred to in paragraph 1 of this Article will furnish a certificate to the person or employer that requested it.

PART III
PROVISIONS CONCERNING BENEFITS

Article 6
Applications

1. If a competent authority or competent institution of a Contracting State receives an application for a benefit under the legislation of the other Contracting State, it will, without delay, send that application to the liaison agency or competent institution of the other Contracting State, indicating the date on which it has been received.
2. With respect to the application mentioned in paragraph 1 of this Article, the competent institution of the first Contracting State will provide the liaison agency or competent institution of the other Contracting State with a form which will indicate the periods of coverage completed under the legislation of the first Contracting State, which may be necessary for the competent institution of that other Contracting State to determine entitlement to benefits.
3. The competent institution of a Contracting State will, upon the request of the liaison agency or competent institution of the other Contracting State, without delay, furnish the liaison agency or competent institution of that other Contracting State with a form which will indicate the periods of coverage completed under the legislation of the first Contracting State, which may be necessary for the competent institutions of that other Contracting State to determine entitlement to benefits.
4. For the purpose of the implementation of the legislation of a Contracting State, the competent institution of the other Contracting State will provide, upon request by the liaison agency or competent institution of that Contracting State, the available information in its possession to the extent the content is agreed upon in advance by the competent authorities of both Contracting States to the liaison agency or competent institution of that Contracting State, in accordance with the legislation and other relevant laws and regulations of that other Contracting State.
5. The personal information regarding an individual contained in the application mentioned in paragraph 1 of this Article will be checked by the liaison agency or competent institution of the first Contracting State by confirming that the information is corroborated by documentary evidence. The type of information to which this paragraph applies and any associated procedures will be mutually decided upon by the liaison agencies of the Contracting States.
6. In addition to the application and information referred to in paragraphs 1 to 4, the liaison agency or competent institution of the first Contracting State will send the liaison forms mutually decided upon to the liaison agency or competent institution of the other Contracting State. The liaison forms are written in the French and Japanese languages.

Article 7**Submission of Application for benefits**

A person applying for a benefit under the legislation of either Contracting State will submit the application to the competent institution of the Contracting State where he resides. However, the application may be submitted directly to the competent institution of the other Contracting State.

Article 8**Notification of decisions**

1. A competent institution of a Contracting State will, in accordance with the legislation of that Contracting State, calculate the amount of benefit due and transmit its decision directly to the applicant, indicating the means and period for appeal.
2. The competent institution of a Contracting State may transmit the decision mentioned in paragraph 1 of this Article to the liaison agency or competent institution of the other Contracting State upon request. In case of the competent institution of Japan, such transmission requires prior consent of the applicant.

Article 9**Appeals and Declarations**

If a competent authority or competent institution of a Contracting State receives an appeal or any other declaration under the legislation of the other Contracting State, it will, without delay, send that appeal or declaration to the liaison agency or competent institution of the other Contracting State, indicating the date on which it has been received.

Article 10**Medical Information and Documentation concerning the Disability of an Applicant or a Beneficiary**

1. The competent institution of a Contracting State will provide, upon request of the competent institution of the other Contracting State, to the competent institution of the other Contracting State, medical information and documentation in its possession concerning the disability of an applicant to or a beneficiary of a disability or invalidity benefit under the legislation of that Contracting State, to the extent permitted by the legislation which it administers.
2. Any medical information and documentation mentioned in paragraph 1 of this Article will be provided free of charge in accordance with paragraph 2 of Article 22 of the Agreement.

Article 11
Payment of benefits

1. A competent institution of a Contracting State will, in accordance with the legislation and other relevant laws and regulations of that Contracting State, directly pay the benefits to the beneficiaries residing in the territory of the other Contracting State.
2. A competent institution of a Contracting State may request the beneficiary to communicate to that competent institution, the bank references according to international standards (SWIFT CODE and IBAN) in order to facilitate speedier and cost effective transfer of money to the beneficiary.
3. The beneficiaries mentioned in paragraph 1 will submit a life certificate to the competent institution which pays the benefit, in accordance with the legislation of the Contracting State.

Article 12
Recovery of a right to benefit

If a person, after suspension of a benefit, recovers his right to benefit while residing in the territory of a Contracting State, the liaison agencies or competent institutions of both Contracting States, within the scope of their respective authorities, will exchange the necessary information for the resumption of payment of the benefit.

PART IV
MISCELLANEOUS PROVISIONS

Article 13
Exchange of Statistics

The liaison agencies of the Contracting States will exchange statistics each year regarding the certificates issued under paragraph 1 of Article 5 of this Arrangement and the payments which each has made under the Agreement, including the number of beneficiaries and total amount of benefits by the benefit types. These statistics will be furnished in a form to be decided upon by the liaison agencies of the Contracting States.

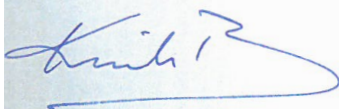
Article 14
Entry into Effect

1. This Arrangement will take effect on the date of entry into force of the Agreement and will remain in effect while the Agreement remains in force.

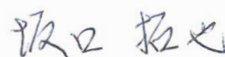
2. The competent authorities may notify each other, in writing, of changes in the names of the liaison agencies and competent institutions without the need to modify this Arrangement.

DONE in duplicate at *Tokyo*, this *24th day* of *April*, 20*17*, in the English language.

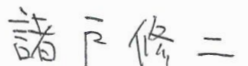
FOR THE COMPETENT
AUTHORITY OF LUXEMBOURG



FOR THE COMPETENT
AUTHORITIES OF JAPAN



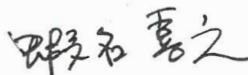
National Police Agency



Ministry of Internal Affairs and
Communications



Ministry of Finance



Ministry of Education, Culture,
Sports, Science and Technology



Ministry of Health, Labour and
Welfare

