

Arrêté grand-ducal du 25 septembre 2019 portant publication de l'*Administrative arrangement for the implementation of the Agreement on social security between the Grand Duchy of Luxembourg and the Republic of the Philippines*, fait à Manilla, le 19 janvier 2018.

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

Vu la Convention de sécurité sociale entre le Grand-Duché de Luxembourg et la République des Philippines, signée à Luxembourg le 15 mai 2015, approuvée par la loi du 29 novembre 2016 ;

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 on social security between the Grand Duchy of Luxembourg and the Republic of the Philippines*, fait à Manilla, le 19 janvier 2018, sera publié au Journal officiel du Grand-Duché de Luxembourg pour sortir ses effets le 1^{er} janvier 2020.

Art. 2.

Notre ministre ayant les Affaires étrangères et européennes dans ses attributions et Notre ministre ayant la Sécurité sociale dans ses attributions sont chargés, chacun en ce qui le concerne, de l'exécution du présent arrêté qui sera publié au Journal officiel du Grand-Duché de Luxembourg.

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

Palais de Luxembourg, le 25 septembre 2019.
Henri

*Le Ministre de la Sécurité sociale,
Romain Schneider*

Administrative arrangement for the implementation of the Agreement on social security between the Grand Duchy of Luxembourg and the Republic of the Philippines, fait à Manilla, le 19 janvier 2018

The competent authorities of the Grand Duchy of Luxembourg and the Republic of the Philippines, in accordance with Article 21 of the Agreement on Social Security between the Grand Duchy of Luxembourg (hereinafter referred to as “Luxembourg”) and the Republic of the Philippines (hereinafter referred to as “the Philippines”), signed at Luxembourg on the 15th of May 2015, 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 on Social Security between the Grand Duchy of Luxembourg and the Republic of the Philippines, signed at Luxembourg on the 15th of May 2015;
 - (b) “Arrangement” means this Administrative Arrangement.
2. Any other term used in this Arrangement shall have the same meaning given to it in the Agreement.

**Article 2
Liaison Bodies**

1. In accordance with Article 21 of the Agreement, the following are designated as liaison bodies:
 - (a) for the Philippines:
Bilateral Agreements Department, International Operations Group, Social Security System.
 - (b) for Luxembourg:
The General Inspectorate of Social Security (*Inspection générale de la sécurité sociale*).
2. The liaison bodies shall jointly decide on the procedures and forms necessary for the implementation of the Agreement and this Arrangement.

**Article 3
Competent Institutions**

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

- (a) for the Philippines:
 - (i) the Social Security System concerning retirement, disability and death benefits under the Social Security Law; and
 - (ii) the Government Service Insurance System concerning retirement, disability, death and survivorship benefits under the Government Service Insurance Act.
- (b) for Luxembourg:
 - (i) concerning the pension insurance in case of old-age, invalidity and survivorship:
 - i. the National Pension Insurance Fund (*Caisse nationale d'assurance pension*)
 - ii. the bodies competent for the special pension schemes for civil servants and persons treated as such:
 - Public Staff Administration (*Administration du personnel de l'Etat*);
 - Municipal Staff Provident Fund (*Caisse de prévoyance des fonctionnaires et employés communaux*);
 - National Company of Luxembourg Railways - Pensions Department (*Société nationale des Chemins de fer luxembourgeois – Service des pensions*);
 - (ii) concerning the assessment of invalidity:
the Medical Control of Social Security (*Contrôle médical de la sécurité sociale*)

- (iii) concerning the application of Articles 8 and 10 of the Agreement and Articles 4 and 5 of this Arrangement:
the Common Centre of Social Security (*Centre commun de la sécurité sociale*).

Article 4
Admission to Optional Continued Insurance

In applying Article 8 of the Agreement, the competent institution of a Contracting State that receives an application for admission to optional continued insurance may directly request the competent institution of the other Contracting State, or through the liaison body, for a form specifying the insurance periods completed under the legislation of that Contracting State.

PART II
PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 5
Certificate of Coverage

1. In the cases specified in Articles 10 to 13 of the Agreement, the competent institution of the Contracting State whose legislation remains applicable shall, at the request of the employer or self-employed person, issue a certificate stating that the person concerned remains subject to the legislation of this Contracting State for the period indicated in the certificate.
2. The original certificate mentioned in paragraph 1 of this Article shall be transmitted to the employer or self-employed person. The certificate shall be kept by the person concerned during the entire period of activity in the territory of the other Contracting State, in order to prove, if necessary, his or her status of coverage.
3. A copy of the certificate mentioned in paragraph 1 of this Article shall also be sent to the competent institution or liaison body of the other Contracting State.
4. In case of anticipated interruption of the period initially indicated on the certificate mentioned in paragraph 1 of this Article, the employer or the person concerned shall inform the competent institution which issued the certificate. This institution shall inform the competent institution or liaison body of the Contracting State in the territory of which the person has been posted or has pursued his or her activity.

PART III
PROVISIONS CONCERNING BENEFITS

Article 6
Application for benefits

1. To avail of the benefits according to Part III of the Agreement, the person concerned shall submit his or her application to the competent institution of the Contracting State in the territory of which he or she is residing. However, if the person was not, at any time, subject to the legislation applied by the competent institution of the place of residence, the application may be submitted directly to the competent institution of the other Contracting State.
2. If a competent institution of a Contracting State receives an application for a benefit, it will send without delay the application, using the prescribed form, to the competent institution of the other Contracting State, and indicating the date on which the application has been received.
3. With respect to the application for a benefit, as mentioned in paragraph 2 of this Article, the competent institution of the first Contracting State will provide the competent institution of the other Contracting State with a form which will indicate the periods of insurance completed under the legislation of the first Contracting State, which may be necessary to determine entitlement to benefits.
4. The personal information regarding an individual contained in the application mentioned in paragraph 2 of this Article will be checked by the competent institution of the first Contracting State by confirming that the information is corroborated by documentary evidence.

Article 7

Notification of decisions

Each competent institution shall calculate the amount of benefit due and transmit its decision directly to the applicant, indicating the means and period for appeal. It shall also communicate its decision to the competent institution of the other Contracting State indicating:

- in case of rejection, the type of the rejected benefit and the reasons for refusal;
- in the event of granting, the type of benefit and the date from which it is paid.

PART IV

MISCELLANEOUS PROVISIONS

Article 8

Administrative collaboration concerning medical information

1. Upon request of the competent institution of a Contracting State, the competent institution of the other Contracting State shall transmit, free of charge, any medical information and documentation concerning the applicant's or the beneficiary's invalidity.
2. The competent institution of a Contracting State shall, at the request of the debtor institution, carry out a medical examination of an applicant or beneficiary of a benefit who is residing in its territory, in accordance with the procedures of the legislation it applies. However, the debtor institution may request for the person concerned to be examined by a doctor of its choice or to ask for supplementary medical examinations.
3. The costs of the examinations referred to in paragraph 2 of this Article shall be reimbursed by the debtor institution to the competent institution of the Contracting State where the applicant or beneficiary resides. These costs are established by the institution which carried out the examination, based on its tariff, after a detailed expense claim has been presented.

Article 9

Payment of benefits

1. The competent institution shall, in accordance with the procedures of the legislation it applies, directly pay the benefits to the beneficiaries residing in the territory of the other Contracting State.
2. The payment shall be made without any reduction due to administrative costs that may arise for this payment. However, bank charges shall be paid by the beneficiary.
3. In case of benefits paid by the competent institution of Luxembourg, the beneficiary shall communicate to the competent institution paying the benefit, 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.

Article 10

Recovery of a right to benefit

The competent institutions shall exchange the necessary information for the resumption of payment of a benefit if a beneficiary, after suspension of a benefit, recovers his/her right to a benefit while residing in the territory of the other Contracting State.

Article 11

Exchange of Statistics

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

Article 12

Revision of and Amendment to the Arrangement

1. Each Contracting State may request a revision of or an amendment to this Arrangement. Such revision or amendment shall be made after mutual consultation or agreement.
2. The competent authorities shall notify each other, in writing, of changes in the names of the competent institutions or liaison bodies without the need to modify this Arrangement.

Article 13

Entry into Effect

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

DONE in duplicate at Manilla, on 19th January 2018, in the English language.

**For the Competent Authority of the
Grand Duchy of Luxembourg,
Thomas Dominique
Director of the General Inspectorate
of Social Security**

**For the Competent Authority of the
Republic of the Philippines,
Judy Frances A. SEE
Senior Vice President
International Operations Group
Social Security System**

