

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2008 Nr. 64

A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en Japan inzake
sociale zekerheid;
(met Administratief Akkoord)
's-Gravenhage, 21 februari 2008*

B. TEKST

**Agreement between the Kingdom of the Netherlands and Japan on
Social Security**

The Kingdom of the Netherlands,

and

Japan

Being desirous of regulating their mutual relations in the field of
social security,

Have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1

Definitions

1. For the purpose of this Agreement,
 - a) The term "the Netherlands" means the Kingdom of the Netherlands;

- b) The term “territory” means,
as regards Japan,
the territory of Japan,
as regards the Netherlands,
the territory of the Kingdom of the Netherlands in Europe;
- c) The term “national” means,
as regards Japan,
a Japanese national within the meaning of the law on nationality of Japan,
as regards the Netherlands,
a person of the nationality of the Netherlands;
- d) The term “legislation” means,
as regards Japan,
the laws and regulations of Japan concerning the Japanese pension systems and the Japanese health insurance systems specified in paragraph 1 of Article 2,
as regards the Netherlands,
the laws and regulations of the Netherlands concerning the branches of social security specified in paragraph 2 of Article 2;
- e) The term “competent authority” means,
as regards Japan,
any of the Governmental organizations competent for the Japanese pension systems and the Japanese health insurance systems specified in paragraph 1 of Article 2,
as regards the Netherlands,
the Minister of Social Affairs and Employment;
- f) The term “competent institution” means,
as regards Japan,
any of the insurance institutions, or any association thereof, responsible for the implementation of the Japanese pension systems and the Japanese health insurance systems specified in paragraph 1 of Article 2,
as regards the Netherlands,
the institutions responsible for the implementation of the legislation of the Netherlands;
- g) The term “period of coverage” means,
as regards Japan,
a period of contributions under the legislation of Japan concerning the Japanese pension systems specified in paragraph 1(a)(i) to (v) of Article 2, and any other period taken into account under that legislation for establishing entitlement to benefits,
however, a period which shall be taken into account, for the purpose of establishing entitlement to benefits under that legislation, pursuant to other agreements on social security comparable with this Agreement shall not be included,
as regards the Netherlands,
a period of employment or self-employment, or a period of residence, and a period treated as such, under the legislation of the Netherlands;

h) The term “benefit” means a pension or any other cash benefit under the legislation of a Contracting State.

2. For the purpose of this Agreement, any term not defined in this Agreement shall have the meaning assigned to it under the applicable legislation.

Article 2

Matters Covered

This Agreement shall apply,

1. as regards Japan,
 - a) to the following Japanese pension systems:
 - (i) the National Pension (except the National Pension Fund);
 - (ii) the Employees’ Pension Insurance (except the Employees’ Pension Fund);
 - (iii) the Mutual Aid Pension for National Public Officials;
 - (iv) the Mutual Aid Pension for Local Public Officials and Personnel of Similar Status (except the pension system for members of local assemblies); and
 - (v) the Mutual Aid Pension for Private School Personnel;(the Japanese pension systems specified in (ii) to (v) shall hereinafter be referred to as the “Japanese pension systems for employees”); however, for the purpose of this Agreement, the National Pension shall not include the Old Age Welfare Pension or any other pensions which are granted on a transitional or complementary basis for the purpose of welfare and which are payable wholly or mainly out of national budgetary resources; and
 - b) to the Japanese health insurance systems implemented under the following laws, as amended:
 - (i) the Health Insurance Law (Law No. 70, 1922);
 - (ii) the Seamen’s Insurance Law (including the provisions on employment insurance and workers’ accident compensation insurance) (Law No. 73, 1939);
 - (iii) the National Health Insurance Law (Law No. 192, 1958);
 - (iv) the Law Concerning Mutual Aid Association for National Public Officials (Law No. 128, 1958);
 - (v) the Law Concerning Mutual Aid Association for Local Public Officials and Personnel of Similar Status (Law No. 152, 1962);
 - (vi) the Law Concerning Mutual Aid for Private School Personnel (Law No. 245, 1953); and
 - (vii) the Law Concerning the Security of Healthcare Treatment for Senior Citizens (Law No. 80, 1982);however, for the purpose of this Agreement, Articles 5, 14 to 21,

26, 27, 30 (except for paragraph 3) and paragraph 2 of Article 32 shall only be applicable to the Japanese pension systems referred to in (a) of this paragraph; and

2. as regards the Netherlands, to the following branches of social security:

- a) disablement benefit;
- b) old-age benefit;
- c) survivors' benefit;
- d) child benefit;
- e) sickness and maternity cash benefit;
- f) sickness benefit in kind; and
- g) unemployment benefit;

however, for the purpose of this Agreement, Articles 14 to 21, 26, 30 (except for paragraph 3) and paragraph 2 of Article 32 shall not be applicable to the branches of social security referred to in (d) to (g) of this paragraph, and Articles 5, 27 and paragraph 2 of Article 31 shall not be applicable to the branches of social security referred to in (d), (f) and (g) of this paragraph.

Article 3

Persons Covered

This Agreement shall apply to a person who is or has been subject to the legislation of a Contracting State, as well as family members or survivors who derive rights from such person.

Article 4

Equality of Treatment

Unless otherwise provided in this Agreement, the persons specified in Article 3, who ordinarily reside in the territory of a Contracting State, shall receive equal treatment with nationals of that Contracting State in the application of the legislation of that Contracting State.

Article 5

Payment of Benefits Abroad

1. Unless otherwise provided in this Agreement, any provision of the legislation of a Contracting State which restricts entitlement to or payment of benefits solely because the person ordinarily resides outside the territory of that Contracting State shall not be applicable to persons who ordinarily reside in the territory of the other Contracting State. However, the foregoing shall not affect:

- a) the provisions of the legislation of Japan which require a person who is aged 60 or over but under 65 on the date of the first medical

examination or of death to reside ordinarily in the territory of Japan for the acquisition of entitlement to the Disability Basic Pension or the Survivors' Basic Pension;

b) the provisions of the Supplementary Benefits Act of 6 November, 1986, and of the Disablement Assistance Act for Handicapped Young Persons of 24 April, 1997, of the Netherlands.

2. Benefits under the legislation of a Contracting State shall be paid to nationals of the other Contracting State who ordinarily reside outside the territory of either Contracting State, under the same conditions as if they were nationals of the first Contracting State.

PART II

PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 6

General Provisions

Unless otherwise provided in this Agreement, a person who works as an employee or a self-employed person in the territory of a Contracting State shall, with respect to that employment or self-employment, be subject only to the legislation of that Contracting State.

Article 7

Special Provisions

1. Where a person who is covered under the legislation of a Contracting State and employed in the territory of that Contracting State by an employer with a place of business in that territory is sent by that employer, either from that territory or from a territory outside either Contracting State, to work in the territory of the other Contracting State, the employee shall be subject only to the legislation of the first Contracting State as if that employee were working in the territory of the first Contracting State, provided that the period of such detachment is not expected to exceed five years.

2. If the detachment referred to in paragraph 1 of this Article continues beyond five years, the competent authorities or the competent institutions of both Contracting States may agree that the employee remains subject only to the legislation of the first Contracting State.

3. A person who was already subject to the provisions of paragraph 1 of this Article shall not be subject again to those provisions, unless one year has elapsed since the end of the preceding detachment.

4. Where a person who is covered under the legislation of a Contracting State and who ordinarily works as a self-employed person in the territory of that Contracting State, works temporarily as a self-employed person only 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, provided that the period of the self-employed activity in the territory of the other Contracting State is not expected to exceed five years.

5. If the self-employed activity in the territory of the other Contracting State referred to in paragraph 4 of this Article continues beyond five years, the competent authorities or the competent institutions of both Contracting States may agree that the self-employed person remains subject only to the legislation of the first Contracting State.

Article 8

Employees on Board a Sea-Going Vessel

A person who works as an employee on board a sea-going vessel flying the flag of either Contracting State 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. This Agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or the Vienna Convention on Consular Relations of April 24, 1963.

2. Subject to paragraph 1 of this Article, where any civil servant of a 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.

Article 10

Exceptions to Articles 6 to 9

At the request of an employee and an employer or a self-employed person, the competent authorities or the competent institutions of both Contracting States may 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 only to the legislation of one of the Contracting States.

Article 11

Accompanying Spouse and Children

The accompanying spouse or children of a person who works in the territory of the Netherlands and who is subject to the legislation of Japan in accordance with Article 7 (except paragraph 3), paragraph 2 of Article 9 or Article 10, shall be subject only to the legislation of Japan unless they are themselves employed or self-employed in the territory of the Netherlands.

Article 12

Compulsory Coverage

Articles 6 to 8, paragraph 2 of Article 9 and Article 11 shall apply only to compulsory coverage under the legislation of each Contracting State. Article 7 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 ordinarily works as a self-employed person in the territory of Japan, if that person is not covered under the legislation of Japan concerning the Japanese pension systems specified in paragraph 1(a)(i) to (v) of Article 2.

Article 13

Residence in the Netherlands

A person who is subject to the legislation of the Netherlands in accordance with the provisions of Articles 6, 7 (except paragraph 3), 8, paragraph 2 of Article 9 and Article 10 shall be considered as residing in the territory of the Netherlands during the period for which that person is subject to the legislation of the Netherlands.

PART III

PROVISIONS CONCERNING BENEFITS

CHAPTER I

PROVISIONS CONCERNING THE NETHERLANDS' BENEFITS

Article 14

Disablement Benefit

1. The competent institution of the Netherlands shall take into account, for the purpose of establishing entitlement to the Netherlands' disablement benefit, the periods of coverage under the legislation of Japan insofar as they do not coincide with the periods of coverage under the legislation of the Netherlands.

2. If a person specified in Article 3, was subject to the legislation of Japan at the time when incapacity for work followed by disability occurred and had previously completed a period of coverage of at least twelve months under the legislation of the Netherlands on disablement benefit for employed persons, that person shall be entitled to a benefit under the latter legislation, calculated in accordance with paragraphs 3 and 4 of this Article.

3. The amount of the benefit referred to in paragraph 2 of this Article shall be calculated according to the proportion of the periods of coverage which had been completed by a person under the legislation of the Netherlands on disablement benefit for employed persons after the age of 15 and before that person reached the age of 65, to the period between the date on which that person reached the age of 15 and the date of incapacity for work followed by disability, but at the latest the date on which that person reached the age of 65.

4. The periods of employment and periods treated as such completed in the Netherlands before 1 July, 1967 shall be considered as periods of coverage completed under the legislation of the Netherlands on disablement benefit for employed persons.

Article 15

Old-age Benefit

1. The competent institution of the Netherlands shall establish entitlement to and calculate the amount of the old-age benefit solely on the basis of the periods of coverage completed under the legislation of the Netherlands.

2. Subject to paragraph 3 of this Article, periods before January 1, 1957, during which a national of a Contracting State resided in the territory of the Netherlands after reaching the age of 15 or during which, while residing outside the territory of the Netherlands, the person was gainfully employed in the territory of the Netherlands shall also be considered as periods of coverage completed under the legislation of the Netherlands if the person does not satisfy the conditions of the legislation of the Netherlands permitting such periods to be treated for that person as periods of coverage completed under the legislation of the Netherlands.

3. The periods referred to in paragraph 2 of this Article shall be taken into consideration for calculation of the old-age benefit only if the person concerned has been insured under the Netherlands' Old Age Pensions Act, and has resided for at least 6 years in the territory of one or both of the Contracting States after reaching the age of 59 years, and only while the person is residing in the territory of either Contracting State. However, these periods shall not be taken into consideration if they coincide with periods taken into consideration for the calculation of an old-age benefit under the legislation other than that of the Netherlands.

Article 16

Survivors' Benefit

1. If a person specified in Article 3, was subject to the legislation of Japan at the time of his death and had previously completed a period of coverage of at least twelve months under the legislation of the Netherlands on survivors' benefit, his survivors shall be entitled to a benefit under the latter legislation, calculated in accordance with paragraph 2 of this Article.

2. The amount of the benefit referred to in paragraph 1 of this Article shall be calculated according to the proportion of the periods of coverage which had been completed by the deceased under legislation of the Netherlands on survivors' benefit after the age of 15 and before the deceased reached the age of 65, to the period between the date on which the deceased reached the age of 15 and the date of his death, but at the latest the date on which the deceased reached the age of 65.

CHAPTER 2

PROVISIONS CONCERNING JAPANESE BENEFITS

Article 17

Totalization

1. Where a person does not have sufficient periods of coverage to fulfill the requirement for entitlement to Japanese benefits, the competent institution of Japan shall take into account, for the purpose of establishing entitlement to those benefits under this Article, the periods of coverage under the legislation of the Netherlands insofar as they do not coincide with the periods of coverage under the legislation of Japan.

However, the foregoing shall not apply to the additional pension for specified occupations under the mutual aid pensions and the lump-sum payments equivalent to the refund of contributions.

2. In applying paragraph 1 of this Article, the periods of coverage under the legislation of the Netherlands shall be taken into account as periods of coverage under the Japanese pension systems for employees and as corresponding periods of coverage under the National Pension.

Article 18

Special Provisions concerning Disability Benefits and Survivors' Benefits

1. Where the legislation of Japan requires for entitlement to disability benefits or survivors' benefits (except the lump-sum payments equivalent to the refund of contributions) that the date of the first medical examination or of death lies within specified periods of coverage, this requirement shall be deemed to be fulfilled for the purpose of establishing entitlement to those benefits if such a date lies within the periods of coverage under the legislation of the Netherlands.

However, if entitlement to disability benefits or survivors' benefits (except the lump-sum payments equivalent to the refund of contributions) under the National Pension is established without applying this Article, this Article shall not be applied for the purpose of establishing entitlement to disability benefits or survivors' benefits (except the lump-sum payments equivalent to the refund of contributions) based on the same insured event under the Japanese pension systems for employees.

2. In applying paragraph 1 of this Article, as regards a person who possesses periods of coverage under two or more Japanese pension sys-

tems for employees, the requirement referred to in that paragraph shall be deemed to be fulfilled for one of those pension systems in accordance with the legislation of Japan.

Article 19

Calculation of the Amount of Benefits

1. Where entitlement to a Japanese benefit is established by virtue of paragraph 1 of Article 17 or paragraph 1 of Article 18, the competent institution of Japan shall calculate the amount of that benefit in accordance with the legislation of Japan, subject to paragraphs 2 to 5 of this Article.

2. With regard to the Disability Basic Pension and other benefits, the amount of which is a fixed sum granted regardless of the period of coverage, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 17 or paragraph 1 of Article 18, the amount to be granted shall be calculated according to the proportion of the sum of the periods of contribution and the premium-exempted periods under the pension system from which such benefits will be paid to the sum of those periods of contribution, those premium-exempted periods and the periods of coverage under the legislation of the Netherlands.

3. With regard to disability benefits and survivors' benefits under the Japanese pension systems for employees, insofar as the amount of those benefits to be granted is calculated on the basis of the specified period determined by the legislation of Japan when the periods of coverage under those systems are less than that specified period, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 17 or paragraph 1 of Article 18, the amount to be granted shall be calculated according to the proportion of the periods of coverage under the Japanese pension systems for employees to the sum of the periods of coverage and the periods of coverage under the legislation of the Netherlands. However, when the sum of the periods of coverage exceeds that specified period, that sum of the periods of coverage shall be regarded as equal to that specified period.

4. With regard to the calculation of the amount of benefits under the Japanese pension systems for employees in accordance with paragraphs 2 and 3 of this Article, if the person entitled to the benefits possesses periods of coverage under two or more such pension systems, the periods of contribution under the pension system from which such benefits will be paid referred to in paragraph 2 of this Article or the periods of coverage under the Japanese pension systems for employees referred to in paragraph 3 of this Article shall be the sum of the periods of coverage under all such pension systems. However, when the sum of the peri-

ods of coverage equals or exceeds the specified period determined by the legislation of Japan within the meaning of paragraph 3 of this Article, the method of calculation stipulated in paragraph 3 of this Article and this paragraph shall not apply.

5. With regard to the Additional Pension for Spouses which is included in the Old-age Employees' Pension and any other benefits that may be granted as a fixed sum in cases where the periods of coverage under the Japanese pension systems for employees equal or exceed the specified period determined by the legislation of Japan, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 17, the amount to be granted shall be calculated according to the proportion of those periods of coverage under the Japanese pension systems for employees from which such benefits will be paid to that specified period.

Article 20

Period of Coverage

In applying the provisions of Articles 17 to 19, notwithstanding of paragraph 1(g) of Article 1, periods of coverage which are credited under the legislation of the Netherlands solely on the basis of residence in the territory of the Netherlands shall not be taken into account.

Article 21

Exception to Article 4

Article 4 shall not affect the provisions on complementary periods for Japanese nationals on the basis of ordinary residence outside the territory of Japan under the legislation of Japan.

PART IV

MISCELLANEOUS PROVISIONS

Article 22

Administrative Collaboration

1. The competent authorities of both Contracting States shall:
 - a) agree on the administrative measures necessary for the implementation of this Agreement, including the cooperation between the competent institutions of both Contracting States with regard to the payment abroad of benefits;
 - b) designate liaison agencies for the implementation of this Agreement; and

c) communicate to each other, as soon as possible, all information about changes to their respective legislation insofar as those changes affect the implementation of this Agreement.

2. The competent authorities and competent institutions of both Contracting States, within the scope of their respective authorities, shall provide any assistance necessary for the implementation of this Agreement. This assistance shall be provided free of charge.

Article 23

Charges or Fees and Legalization

1. Insofar as the legislation and other relevant laws and regulations of a Contracting State contain provisions on an exemption or reduction of administrative charges or consular fees for documents to be submitted under the legislation of that Contracting State, those provisions shall also apply to documents to be submitted in the application of this Agreement and the legislation of the other Contracting State.

2. Documents which are presented for the purpose of this Agreement and the legislation of a Contracting State shall not require legalization or any other similar formality by diplomatic or consular authorities.

Article 24

Communication

1. In implementing this Agreement, the competent authorities and competent institutions of both Contracting States may communicate directly in Japanese, Netherlands' or English language with each other and with any concerned person wherever the person may reside.

2. In implementing this Agreement, the competent authorities and competent institutions of a Contracting State may not reject applications or any other documents for the reason that they are written in the language of the other Contracting State.

Article 25

Confidentiality of Information

1. The competent authorities or competent institutions of a Contracting State shall, in accordance with its laws and regulations, send to the competent authorities or competent institutions of the other Contracting State information about an individual collected under its legislation insofar as the information is necessary for the implementation of this Agreement.

2. Unless otherwise required by the laws and regulations of a Contracting State, information about an individual which is transmitted in accordance with the provision of paragraph 1 of this Article to that Contracting State by the other Contracting State shall be used exclusively for the purpose of implementing this Agreement. Such information received by a Contracting State shall be governed by the laws and regulations of that Contracting State for the protection of confidentiality of personal data.

Article 26

Submission of Applications, Appeals and Declarations

1. When a written application for benefits, an appeal or any other declaration under the legislation of a Contracting State is submitted to a competent authority or competent institution of the other Contracting State which is competent to receive similar applications, appeals or declarations under the legislation of that other Contracting State, that application for benefits, appeal or declaration shall be deemed to be submitted on the same date to the competent authority or competent institution of the first Contracting State and shall be dealt with, according to the procedure and legislation of the first Contracting State.

2. The competent authority or competent institution of a Contracting State shall send the application for benefits, appeal or any other declaration submitted in accordance with paragraph 1 of this Article to the competent authority or competent institution of the other Contracting State without delay.

Article 27

Payment of Benefits

Payments of benefits under this Agreement may be made in the currency of either Contracting State. In case provisions for restricting the exchange of currencies or remittance are introduced by either Contracting State, the Governments of both Contracting States shall immediately consult on the measures necessary to ensure the payments of benefits by either Contracting State under this Agreement.

Article 28

Resolution of Disagreement

Any disagreement regarding the interpretation or application of this Agreement shall be resolved by consultation between the Contracting States.

Article 29

Headings

The headings of Parts, Chapters and Articles of this Agreement are inserted for convenience of reference only and shall not affect the interpretation of this Agreement.

PART V

TRANSITIONAL AND FINAL PROVISIONS

Article 30

Events and Decisions prior to the Entry into Force

1. This Agreement shall not establish any entitlement to benefits for any period prior to its entry into force.
2. In the implementation of this Agreement, periods of coverage completed before its entry into force as well as other legally relevant events occurring before its entry into force shall also be taken into account.
3. In applying paragraph 1 or 4 of Article 7, in the case of a person who has been working in the territory of a Contracting State prior to the entry into force of this Agreement, the period of detachment or self-employed activity referred to in paragraph 1 or 4 of Article 7 shall be considered to begin on the date of entry into force of this Agreement.
4. Decisions made before the entry into force of this Agreement shall not affect any rights to be established by virtue of this Agreement.
5. The application of this Agreement shall not, for a beneficiary, result in any reduction in the amount of benefits to which entitlement was established before the entry into force of this Agreement.

Article 31

Entry into Force

1. This Agreement shall enter into force on the first day of the third month following the month in which the Contracting States shall have completed an exchange of diplomatic notes informing each other that their respective constitutional requirements necessary for the entry into force of this Agreement have been fulfilled.

2. The amount of benefits under the legislation of the Netherlands that should have been paid to the beneficiaries in Japan on and after January 1, 2006 under paragraph 1 of Article 5 if such paragraph had been applied on or before January 1, 2006, but have not been paid because of the restrictions by any domestic laws of the Netherlands, shall be retroactively paid to such beneficiaries.

Article 32

Duration and Termination

1. This Agreement shall remain in force for an indefinite period. Either Contracting State may give to the other Contracting State, through diplomatic channels, written notice of termination of this Agreement. In that event, this Agreement shall remain in force until the last day of the twelfth month following the month in which the termination was notified.

2. If this Agreement is terminated in accordance with paragraph 1 of this Article, rights regarding entitlement to and payment of benefits acquired under this Agreement shall be retained.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at The Hague, on 21 February 2008, in duplicate in the English language.

For the Kingdom of the Netherlands

J. P. H. DONNER

For Japan

MINORU SHIBUYA

Op 21 februari 2008 is eveneens een Administratief Akkoord tot stand gekomen ter uitvoering van artikel 22 van het Verdrag. De tekst van dit Akkoord luidt als volgt:

**Administrative Arrangement for the Implementation of the
Agreement between the Kingdom of the Netherlands and Japan on
Social Security**

Pursuant to Article 22, paragraph 1(a) of the Agreement between the Kingdom of the Netherlands and Japan on Social Security, signed at The Hague on the 21st of February 2008, the competent authorities of the Kingdom of the Netherlands and Japan, have decided as follows:

PART I

GENERAL PROVISIONS

Article 1

Definitions

1. For the purposes of this Administrative Arrangement, "Agreement" means the Agreement between the Kingdom of the Netherlands and Japan on Social Security, signed at The Hague on the 21st of February 2008.
2. Any other term used in this Administrative Arrangement will have the same meaning given to it in the Agreement.

Article 2

Liaison Agencies

Pursuant to Article 21, paragraph 1(b) of the Agreement, the following are designated as liaison agencies:

- a) for Japan:
 - (i) for the National Pension and the Employees' Pension Insurance, the Social Insurance Agency;
 - (ii) for the Mutual Aid Pension for National Public Officials, the Federation of National Public Service Personnel Mutual Aid Associations;
 - (iii) for the Mutual Aid Pension for Local Public Officials and Personnel of Similar Status, the Pension Fund Association for Local Government Officials; and
 - (iv) for the Mutual Aid Pension for Private School Personnel, the Promotion and Mutual Aid Corporation for Private Schools of Japan;
- b) for the Kingdom of the Netherlands:
 - (i) for the application of Part II of the Agreement:
Sociale verzekeringsbank (Social Insurance Bank), Amstelveen;

- (ii) as regards old-age, survivors' benefit and child benefit:
Sociale verzekeringsbank (Social Insurance Bank), Amstelveen;
and
- (iii) as regards disablement benefit, sickness and maternity cash benefit and unemployment benefit:
Uitvoeringsinstituut Werknemersverzekeringen (Institute for Employee Benefit Schemes), Amsterdam.

PART II

PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 3

Coverage of Employed and Self-employed Persons

1. Where the legislation of a Contracting State applies to an employee or self-employed person pursuant to Article 7, paragraph 2 of Article 8 or Article 9 of the Agreement, the liaison agency of that Contracting State, upon request of the persons concerned, will issue a certificate stating that the employee or self-employed person is subject to the legislation and indicating the duration for which the certificate will be valid. The certificate shall be evidence that the employee or self-employed person is exempt from the legislation on compulsory coverage of the other Contracting State.

2. The liaison agency of a Contracting State which issues a certificate referred to in paragraph 1 of this Article will furnish a copy of the certificate, or information contained in the certificate if the liaison agencies of both Contracting States decide to do so, to the liaison agency of the other Contracting State as needed by the liaison agency of that other Contracting State.

PART III

PROVISIONS CONCERNING BENEFITS

Article 4

Applications, Appeals and Declarations

1. If a competent authority or competent institution of a Contracting State receives an application for a benefit, an appeal or any other declaration under the legislation of the other Contracting State pursuant to Article 25 of the Agreement, that competent authority or competent institution of that Contracting State will send without delay, through its

liaison agency, that application, appeal or declaration to the liaison agency of the other Contracting State, indicating the date on which it has been received.

2. With respect to an application, the competent institution of the first Contracting State will provide, through its liaison agency, the liaison agency of the other Contracting State with any available information in its possession, which may be necessary for the competent institution of that other Contracting State to determine entitlement to the benefits.

3. The competent institution of the Contracting State which receives an application that was first filed with a competent institution of the other Contracting State will, upon the request of the competent institution of that other Contracting State, provide without delay, through its liaison agency, the liaison agency of that other Contracting State with any available information in its possession, which may be necessary for the competent institution of that other Contracting State to determine entitlement to benefits.

4. When an application for benefits under the legislation of a Contracting State or any other declaration necessary for the payment of a benefit is submitted to the competent institution of the other Contracting State, that competent institution checks, within the limits of its authority, whether the documents attached to that application fulfilled the formalities of the certifications issued by the relevant authority. The liaison agencies of both Contracting States decide upon the documents to be checked in a manner consistent with the laws and regulations under its authority.

5. In addition to the application and information referred to in paragraphs 1, 2 and 3 of this Article, the liaison agency of the first Contracting State will send to the liaison agency of the other Contracting State a liaison form which will indicate, in particular, the periods of coverage under the legislation of the first Contracting State.

6. When an application for benefits under the legislation of a Contracting State or any other declaration necessary for the payment of a benefit is submitted to the competent institution of the other Contracting State, the competent institution of that other Contracting State will inform the competent institution of that Contracting State that the identity of the claimant has been verified properly.

Article 5

Medical Information Concerning the Disability of an Applicant or Beneficiary

Upon request to the liaison agency of the other Contracting State, the competent institution of a Contracting State will provide, to the extent permitted by the legislation which it administers and by their other respective laws and regulations, through its liaison agency, available medical information in its possession concerning the disability of an applicant or beneficiary.

PART IV

MISCELLANEOUS PROVISIONS

Article 6

Exchange of Statistics

The liaison agencies of the Contracting States will exchange statistics each year regarding the payments which each has made and the certificates issued under the Agreement.

Article 7

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 8

Entry into Effect

1. This Administrative 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 without the need to modify the Administrative Arrangement.

DONE in duplicate at The Hague, this 21st day of February, 2008, in the English language.

For the competent authority of the Kingdom of the Netherlands

J. P. H. DONNER
Minister of Social Affairs and Employment

For the competent authorities of Japan

SHINRO SASAKI
National Police Agency

SHUICHI KITAZAKI
Ministry of Internal Affairs and Communications

TOSHIO OYA
Ministry of Finance

TSUYOSHI SUGINO
Ministry of Education, Culture, Sports, Science and Technology

MASAYA OJIKA
Ministry of Health, Labour and Welfare

Een notawisseling vond plaats op 21 februari 2008 inzake de voorlopige toepassing door Nederland van artikel 5, eerste lid, en artikel 31, tweede lid, van het Verdrag. De tekst van deze nota's luidt als volgt:

The Hague, 21 February 2008

Excellency,

With reference to the Agreement between the Kingdom of the Netherlands and Japan on Social Security (hereinafter referred to as the "Agreement") signed today, I have the honour on behalf of the Government of the Kingdom of the Netherlands to confirm the understanding reached between the representatives of the Government of the Kingdom of the Netherlands and of the Government of Japan that, pending the entry into force of the Agreement in accordance with paragraph 1 of Article 31 thereof, the Government of the Kingdom of the Netherlands shall provisionally apply the provisions of paragraph 1 of Article 5 and paragraph 2 of Article 31, from the first day of the second month following the date of signature of the Agreement, and that such provisional application may be terminated by either Government subject to three months prior notice in writing.

I have further the honour to propose that the present Note and Your Excellency's Note in reply thereto shall be regarded as constituting an agreement between the Government of the Kingdom of the Netherlands and the Government of Japan, which will enter into force on the date of your reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

JAN PIET HEIN DONNER
Minister of Social Affairs and
Employment of the Netherlands

His Excellency,

*Mr Minoru Shibuya
Ambassador Extraordinary and Plenipotentiary of Japan of the
Kingdom of the Netherlands*

Nr. II

The Hague, 21 February 2008

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which read as follows.

(Zoals in Nr. I)

I have the honour to inform Your Excellency, on behalf of the Government of Japan, that the Government of Japan accepts the above proposal of the Government of the Kingdom of Netherlands and confirms that Your Excellency's Note and this reply shall be regarded as constituting an agreement between the Government of Japan and the Government of the Kingdom of the Netherlands, which shall enter into force on the date of this reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

MINORU SHIBUYA
Ambassador Extraordinary and
Plenipotentiary of Japan to the
Kingdom of the Netherlands

His Excellency,

Mr. Jan Piet Hein Donner
Minister of Social Affairs and Employment of the Netherlands

D. PARLEMENT

Het Verdrag behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan het Verdrag kan worden gebonden.

F. VOORLOPIGE TOEPASSING

Artikel 5, eerste lid, en artikel 31, tweede lid, van het Verdrag zullen ingevolge de eerste alinea van de eerste nota en de tweede alinea van de tweede nota, vanaf 1 april 2008 voorlopig worden toegepast.

Wat het Koninkrijk der Nederlanden betreft, geldt de voorlopige toepassing ingevolge artikel 1, eerste lid, onderdeel c, van het Verdrag alleen voor Nederland.

G. INWERKINGTREDING

De bepalingen van het Verdrag en het Administratief Akkoord zullen ingevolge artikel 31, eerste lid, van het Verdrag juncto artikel 8, eerste lid, van het Akkoord in werking treden op de eerste dag van de derde maand volgend op de datum waarop partijen elkaar door middel van diplomatieke nota's te kennen hebben gegeven dat hun grondwettelijk vereiste procedures zijn doorlopen.

J. VERWIJZINGEN

Titel	: Verdrag van Wenen inzake diplomatiek verkeer; Wenen, 18 april 1961
Tekst	: <i>Trb.</i> 1962, 101 (Frans en Engels) <i>Trb.</i> 1962, 159 (vertaling)

Laatste *Trb.* : *Trb.* 1994, 212

Titel : Verdrag van Wenen inzake consulaire betrekkingen;
Wenen, 24 april 1963

Tekst : *Trb.* 1965, 40 (Engels, Frans en Spaans)
Trb. 1981, 143 (vertaling)

Laatste *Trb.* : *Trb.* 1994, 213

Uitgegeven de *tiende* april 2008.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN