

AGREEMENT BETWEEN
JAPAN AND THE SWISS CONFEDERATION
ON SOCIAL SECURITY

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ON SOCIAL SECURITY

Japan and the Swiss Confederation,

Being desirous of regulating the relationship between them in the area of social security,

Have agreed as follows:

PART I
GENERAL PROVISIONS

Article 1
Definitions

1. For the purpose of this Agreement,
 - (a) The term "Switzerland" means the Swiss Confederation;
 - (b) The term "national" means,
as regards Japan,
a Japanese national within the meaning of the law on nationality of Japan,
as regards Switzerland, a Swiss citizen;
 - (c) The term "legislation" means,
as regards Japan,
the laws and regulations of Japan concerning the Japanese systems specified in paragraph 1 of Article 2,
as regards Switzerland,
the laws and their regulations of Switzerland specified in paragraph 2 of Article 2;
 - (d) The term "competent authority" means,
as regards Japan,
any of the Governmental organizations competent for the Japanese systems specified in paragraph 1 of Article 2,
as regards Switzerland,
the Federal Social Insurance Office;

- (e) The term "competent institution" means,
as regards Japan,
any of the insurance institutions, or any
association thereof, responsible for the
implementation of the Japanese systems specified
in paragraph 1 of Article 2,
as regards Switzerland,
the competent compensation fund for old-age,
survivor's and invalidity insurance;
- (f) The term "period of coverage" means,
as regards Japan,
all periods of contribution, premium-exempted
periods and complementary periods under the
legislation of Japan concerning the pension
systems specified in paragraph 1(a)(i) to (v) of
Article 2,
as regards Switzerland,
all periods of contribution and any equivalent
periods defined as insurance periods under the
legislation of Switzerland.
However, a period which shall be taken into
account, for the purpose of establishing
entitlement to benefits under the legislation of
a Contracting State, pursuant to other agreements
on social security comparable with this
Agreement, shall not be included;
- (g) The term "benefit" means a pension or any other
cash benefit under the legislation of a
Contracting State;
- (h) The term "being domiciled in the territory of
Switzerland" means staying in the territory of
Switzerland with the intention of permanent stay.

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

1. As regards Japan, this Agreement shall apply,
(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 (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, 13 to 19, 24, 25, 28 (except for paragraph 3) and paragraph 2 of Article 30 shall apply only to the Japanese pension systems specified in (a) of this paragraph.

2. As regards Switzerland, this Agreement shall apply to the following laws:

- (a) the Federal Law on old-age and survivors' insurance;
- (b) the Federal Law on invalidity insurance; and
- (c) the Federal Law on sickness insurance;

however, for the purpose of this Agreement, Articles 5, 13 to 19, 24, 25, 28 (except for paragraph 3) and paragraph 2 of Article 30 shall apply only to the laws referred to in (a) and (b) of this paragraph.

Article 3 Persons Covered

This Agreement shall apply to the following persons:

- (a) (i) nationals of Japan or persons who are lawfully admitted for permanent residence in the territory of Japan under the laws and regulations of Japan relating to immigration control;
- (ii) family members or survivors who derive rights from the persons specified in (a)(i) of this Article;
- (b) (i) nationals of Switzerland;
- (ii) family members or survivors who derive rights from the persons specified in (b)(i) of this Article;
- (c) (i) refugees within the meaning of Article 1 of the Convention Relating to the Status of Refugees of July 28, 1951 and of the Protocol Relating to the Status of Refugees of January 31, 1967 who reside in the territory of a Contracting State;

- (ii) family members or survivors who derive rights from the persons specified in (c)(i) of this Article and reside in the territory of a Contracting State;
- (d) (i) in the application of the legislation of Switzerland, stateless person within the meaning of Article 1 of the Convention Relating to the Status of Stateless Persons of September 28, 1954 who reside in the territory of a Contracting State;
- (ii) family members or survivors who derive rights from the persons specified in (d)(i) of this Article and reside in the territory of a Contracting State; and
- (e) (i) other persons who are or have been subject to the legislation of a Contracting State;
- (ii) family members or survivors who derive rights from the persons specified in (e)(i) of this Article.

However, in the application of the legislation of Switzerland, Articles 4, 5 and 16 to 19 shall not apply to the persons specified in (e) of this Article.

Article 4 Equality of Treatment

1. In the application of the legislation of Japan:

(1) the persons specified in (b), (c) and (e) of Article 3 shall receive equal treatment with nationals of Japan; and

(2) (1) of this paragraph shall not affect the following provisions:

- (a) the provisions on complementary periods for Japanese nationals on the basis of ordinary residence outside the territory of Japan under the legislation of Japan;
- (b) the provisions on voluntary coverage for Japanese nationals on the basis of ordinary residence outside the territory of Japan under the legislation of Japan; and

- (c) the provisions on lump-sum payments upon withdrawal for persons other than Japanese nationals under the legislation of Japan.

2. In the application of the legislation of Switzerland:

(1) unless otherwise provided in this Agreement, the persons specified in (a), (c) and (d) of Article 3 shall receive equal treatment with nationals of Switzerland; and

(2) (1) of this paragraph shall not affect the following legislation of Switzerland:

- (a) the legislation on the voluntary old-age, survivors' and invalidity insurance;
- (b) the legislation on old-age, survivors' and invalidity insurance, of Swiss nationals, who are gainfully employed abroad in the service of the Swiss Confederation or organizations in the meaning of subparagraph 1(c) of Article 1(a) of the Federal Law on old-age and survivors' insurance; and
- (c) the legislation on the voluntary old-age, survivors' and invalidity insurance for Swiss nationals gainfully employed by organizations in the meaning of subparagraph 4(b) of Article 1(a) of the Federal law on old-age and survivors' insurance.

Article 5
Payment of Benefits Abroad
and Entitlement to Benefits

1. In the application of the legislation of Japan:

(1) unless otherwise provided in this Agreement, any provision of the legislation of Japan which restricts entitlement to or payment of benefits solely because the person ordinarily resides outside the territory of Japan shall not be applicable to the persons specified in (a), (b), (c) and (e) of Article 3 who ordinarily reside in the territory of Switzerland; and

(2) benefits under the legislation of Japan shall be paid to the persons specified in (b) and (e) of Article 3 who ordinarily reside outside the territory of either Contracting State under the same conditions as if they were Japanese nationals.

2. In the application of the legislation of Switzerland:

(1) unless otherwise provided in this Agreement, any provision of the legislation of Switzerland, which restricts entitlement to or payment of benefits solely because the person ordinarily resides outside the territory of Switzerland shall not be applicable to the persons specified in (a), (b), (c) and (d) of Article 3 who ordinarily reside in the territory of Japan;

(2) (1) of this paragraph shall not apply to ordinary pensions for insured persons with an invalidity degree of less than fifty percent under invalidity insurance or to the extraordinary pensions and helplessness allowances under the Swiss old-age, survivors' and invalidity insurance; and

(3) benefits under the legislation of Switzerland shall be paid to the persons specified in (a) of Article 3 who ordinarily reside outside the territory of either Contracting State under the same conditions as if they were Swiss nationals.

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 of the third State, to work in the territory of the other Contracting State, the employee shall be subject during the first five years 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 the first five years, the competent authorities or the competent institutions of the Contracting States may agree that the employee remains subject only to the legislation of the first Contracting State.

However, if the period of extension of that detachment does not exceed one year after the first five years, the competent authorities or the competent institutions of that first Contracting State may grant that that employee remains subject only to the legislation of that first Contracting State without prior consent by the competent authority or competent institution of the other Contracting State.

3. 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 during the first five years 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.

4. If the self-employed activity in the territory of the other Contracting State referred to in paragraph 3 of this Article continues beyond the first five years, the competent authorities or the competent institutions of the Contracting States may agree that the self-employed person remains subject only to the legislation of the first Contracting State.

However, if the period of extension of that self-employed activity does not exceed one year after the first five years, the competent authorities or the competent institutions of that first Contracting State may grant that that self-employed person remains subject only to the legislation of that first Contracting State without prior consent by the competent authority or competent institution of the other Contracting State.

5. Paragraphs 1 and 3 of this Article 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 who 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 (a)(i) to (v) of paragraph 1 of Article 2.

Article 8
Employees on Board a Sea-Going Vessel

Where a person works as an employee on board a sea-going vessel flying the flag of a Contracting State and would otherwise be subject to the legislation of the Contracting States, that person is subject only to the legislation of that Contracting State. In the application of this Article, a person who works as an employee on board a sea-going vessel flying the flag of Switzerland shall be deemed to be working in the territory of Switzerland.

Notwithstanding the foregoing, that person shall be subject only to the legislation of the other Contracting State if that person is employed by an employer with a place of business in the territory of the other Contracting State.

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 the 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 to the legislation of one of the Contracting States.

Article 11
Accompanying Spouse and Children

1. As regards the accompanying spouse or children of a person who works in the territory of Switzerland and who is subject to the legislation of Japan in accordance with Article 7, paragraph 2 of Article 9 or Article 10, the legislation of Switzerland shall not apply to them provided that they are not gainfully employed in the territory of Switzerland.

2. As regards the accompanying spouse or children of a person who works in the territory of Japan and who is subject to the legislation of Switzerland in accordance with Article 7 or paragraph 2 of Article 9 or Article 10:

- (a) in cases in which the accompanying spouse or children are persons other than Japanese nationals, the legislation of Japan concerning the systems specified in paragraph 1(a)(i), (b)(iii) and (b)(vii) of Article 2 shall not apply to them. However, when the accompanying spouse or children so request, the foregoing shall not apply; and
- (b) in cases in which the accompanying spouse or children are Japanese nationals, the exemption from the legislation of Japan concerning the systems specified in paragraph 1(a)(i), (b)(iii) and (b)(vii) of Article 2 shall be determined in accordance with the legislation of Japan.

The spouse or children who are not subject to the legislation of Japan concerning the systems specified in paragraph 1(a)(i), (b)(iii) and (b)(vii) of Article 2 in accordance with this paragraph shall be subject to the legislation of Switzerland as if they were domiciled in the territory of Switzerland.

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.

PART III
PROVISIONS CONCERNING BENEFITS

Chapter 1
Provisions concerning Japanese Benefits

Article 13
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 Switzerland 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 Switzerland 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 14
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 Switzerland.

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 systems 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.

3. Paragraph 1 of Article 5 shall not affect 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 the death to reside ordinarily in the territory of Japan for the acquisition of entitlement to the Disability Basic Pension or the Survivors' Basic Pension.

Article 15 Calculation of the Amount of Benefits

1. Where entitlement to a Japanese benefit is established by virtue of paragraph 1 of Article 13 or paragraph 1 of Article 14, 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 13 or paragraph 1 of Article 14, 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 Switzerland.

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 13 or paragraph 1 of Article 14, 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 Switzerland. 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 periods 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 13, 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.

Chapter 2
Provisions concerning Swiss benefits

Article 16
Invalidity Insurance
(Rehabilitation Measures)

1. A person specified in (a)(i) of Article 3 who, immediately prior to eligibility for rehabilitation measures has been liable to pay contributions to the Swiss old-age, survivors' and invalidity insurance, shall be entitled to such measures as long as he stays in the territory of Switzerland.

2. A person specified in (a)(i) of Article 3 who is not gainfully employed and who, immediately prior to eligibility for rehabilitation measures, has not been liable to pay contributions to the Swiss old-age, survivors' and invalidity insurance because of his age, but who is insured under the Swiss insurance, shall be entitled to such measures as long as he is domiciled in the territory of Switzerland, if he has resided in the territory of Switzerland without interruption for at least one year immediately prior to eligibility for the measures. Minor children covered by (a)(i) of Article 3 shall moreover also be entitled to such measures if they are domiciled in the territory of Switzerland and if they have either been born disabled there or have resided there without interruption since birth.

3. A person specified in (a)(i) of Article 3 residing in the territory of Switzerland who leaves Switzerland for a period not exceeding three months shall not be deemed to have interrupted his residence in the territory of Switzerland within the meaning of paragraph 2 of this Article.

4. A child covered by (a)(i) of Article 3 born disabled in the territory of Japan to a mother domiciled in the territory of Switzerland who stayed in the territory of Japan for not more than two months before the birth shall be treated as a child born disabled in the territory of Switzerland. In the case of a congenitally handicapped child, the Swiss invalidity insurance shall also be responsible for meeting expenses incurred in the territory of Japan during the first three months after the birth to the same extent as it would have been required to meet these in the territory of Switzerland.

5. Paragraph 4 of this Article shall apply by analogy to a child covered by (a)(i) of Article 3 born disabled outside the territory of the Contracting States; in such a case, the Swiss invalidity insurance shall be responsible for meeting expenses incurred in the territory of a third State only if the measures had to be awarded there on an emergency basis due to the state of health of the child.

Article 17 Aggregation of Periods of Coverage

1. Where a person does not fulfill the requirements for entitlement to an ordinary pension under the Swiss invalidity insurance solely on the basis of the periods of coverage under the legislation of Switzerland, the competent institution of Switzerland shall take into account, for the purpose of acquisition of the right to that benefit, the periods of coverage under the legislation of Japan, as long as those periods do not overlap with the periods of coverage under the legislation of Switzerland.

2. Where total duration of the periods of coverage under the legislation of Switzerland is less than one year, paragraph 1 of this Article shall not apply.

3. Where entitlement to the benefit under the legislation of Switzerland is established according to paragraph 1 of this Article, the amount of that benefit shall be determined solely on the basis of the periods of coverage under the legislation of Switzerland. The calculation of that amount shall be carried out under the legislation of Switzerland.

Article 18 Lump-sum payments

1. If a person specified in (a)(i) of Article 3 or his survivor who does not reside in the territory of Switzerland is entitled to an ordinary partial pension under the Swiss old-age and survivors' insurance which is equal to not more than ten percent of the corresponding ordinary full pension, that person shall be granted instead of the partial pension, a lump-sum which corresponds to the capitalized value of that pension payable under the legislation of Switzerland when the insured event occurs. If a person specified in (a)(i) of Article 3 or his survivor, who received such a partial pension, permanently leaves Switzerland, that person shall also be granted a lump-sum which corresponds to the capitalised value of that pension at the time of departure.

2. If the ordinary partial pension amounts to more than ten percent but not more than twenty percent of the corresponding ordinary full pension, a person specified in (a)(i) of Article 3 or his survivor who does not reside in the territory of Switzerland or who is permanently leaving Switzerland may select the pension paid or a lump-sum. This selection shall be made during the course of the procedure to determine the pension if the entitled person is staying outside Switzerland when the insured event occurs, or shall be made when leaving Switzerland, if the entitled person already received a pension in the territory of Switzerland.

3. In the case of a married couple, where both spouses have been insured under the Swiss insurance, the lump-sum instead of a pension under the Swiss old-age insurance shall be paid only when both persons are entitled to a Swiss pension.

4. When the lump-sum has been paid out by the Swiss insurance, no further claims can be asserted against that insurance in respect of previous contributions paid.

5. Paragraphs 1, 2 and 4 of this Article shall apply mutatis mutandis to ordinary pensions under the Swiss invalidity insurance, provided that the entitled person has achieved the age 55 years and no further verification of the fulfillment of the requirements concerning the invalidity of that person is foreseen.

Article 19 Extraordinary pensions

1. A person specified in (a)(i) of Article 3 or his survivor shall be under the same conditions as Swiss nationals entitled to receive a Swiss extraordinary survivors' pension, invalidity pension or old age pension which replaces an extraordinary survivors' or invalidity pension if, immediately before the date from which they claim the extraordinary pension, they have resided in the territory of Switzerland for a continuous period of not less than five years.

2. In the application of paragraph 1 of this Article:

- (a) no account shall be taken of any period during which the persons concerned were exempted from the Swiss old-age, survivors' insurance and the invalidity insurance; and

- (b) a period of residence in the territory of Switzerland shall not be regarded as interrupted if the absence from Switzerland is not more than three months in any calendar year. The period of three months may be extended in exceptional cases.

PART IV
MISCELLANEOUS PROVISIONS

Article 20
Administrative collaboration

1. The competent authorities of the Contracting States shall:
 - (a) agree on the administrative measures necessary for the implementation of this Agreement;
 - (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 scope and the implementation of this Agreement.
2. The competent authorities and competent institutions of the 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 21
Exemption or Reduction
of Fees or Charges 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 fees or charges, including administrative and 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 22
Communication between the Contracting States

1. In implementing this Agreement, the competent authorities and competent institutions of the Contracting States may communicate directly in Japanese or in one of the official languages of Switzerland with each other and with any person concerned wherever the person may reside.

2. In implementing this Agreement, applications or any other documents may not be rejected by the Japanese competent authorities and competent institutions for the reason that they are written in one of the official languages of Switzerland nor by the Swiss competent authorities and competent institutions for the reason that they are written in Japanese.

Article 23
Data Protection

1. The competent authorities or competent institutions of a Contracting State shall transmit, in accordance with its legislation and other relevant laws and regulations, personal data collected under its legislation to the competent authorities or competent institutions of the other Contracting State insofar as it is necessary for the implementation of this Agreement.

2. With regard to transmission in accordance with paragraph 1 of this Article, personal data shall be protected in accordance with the legislation and other relevant laws and regulations of the Contracting States and the following provisions:

- (a) the transmitted personal data may be used by the receiving body for the purpose of the implementation of this Agreement and in accordance with the legislation and other relevant laws and regulations of the receiving State;
- (b) in individual cases the receiving body shall, upon the request of the transmitting body, inform that body of the use of the transmitted personal data and the results obtained thereof;

- (c) the transmitting body shall ensure that the data to be transmitted are correct and limited to the extent necessary for the purpose of the transmission. If it becomes evident that incorrect data or data whose transmission is incompatible with the laws and regulations of the transmitting State were transmitted, the transmitting body shall immediately notify the receiving body of this fact. In this case the receiving body shall correct or delete this data immediately;
- (d) the transmitting body and the receiving body shall, upon the request of the person concerned, inform that person of any personal data transmitted and of the purpose of their transmission;
- (e) the transmitted personal data shall be deleted by the receiving body in accordance with the relevant laws and regulations of the receiving State if they are no longer required for the purpose for which they were transmitted;
- (f) the transmitting body and the receiving body shall record the transmission and the receipt of personal data; and
- (g) the transmitting body and the receiving body shall protect personal data effectively from unauthorized access, unauthorized modification and unauthorized disclosure.

Article 24
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 25
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 the Contracting States shall immediately consult on the measures necessary to ensure the payments of benefits by either Contracting State under this Agreement.

Article 26
Resolution of Disagreement

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

Article 27
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 28
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 3 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 3 of Article 7 shall be considered to begin on the date of entry into force of this Agreement.

4. In the case of a claim in accordance with the legislation of a Contracting State, the prescribed time limits for lodgment of claims shall not commence before this Agreement enters into force.

5. Decisions made before the entry into force of this Agreement shall not affect any rights to be established by virtue of this Agreement.

6. Claims which were determined before the entry into force of this Agreement shall, upon the request of the person concerned, be re-examined in accordance with this Agreement. Revisions carried out by virtue of this Article shall not result in any reduction in the amount of benefit paid before the revisions.

7. This Agreement shall not apply to rights settled by a lump-sum payment or a refund of contributions.

Article 29 Entry into Force

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.

Article 30 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 Berne on October 22, 2010 in duplicate in the English language.

For Japan:

小松一郎

For the Swiss Confederation:

Y Rossier