

AGREEMENT BETWEEN
JAPAN AND THE KINGDOM OF BELGIUM
ON SOCIAL SECURITY

Japan and the Kingdom of Belgium,

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 "Belgium" means the Kingdom of Belgium;
 - (b) The term "national" means,
 - as regards Japan,
a Japanese national within the meaning of the law
on nationality of Japan;
 - as regards Belgium,
a person with Belgian nationality;
 - (c) 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 2 of
Article 2 except those promulgated for the
implementation of other agreements on social
security comparable with this Agreement;
 - as regards Belgium,
the laws and regulations specified in paragraph 1
of Article 2;

- (d) 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 2
of Article 2;
- as regards Belgium,
the Ministers responsible, within their
competence, for applying the laws and regulations
specified in paragraph 1 of Article 2;
- (e) The term "competent institution" means,
- as regards Japan,
any of the insurance institutions, or any
association thereof, responsible for the
operation of the Japanese pension systems and the
Japanese health insurance systems specified in
paragraph 2 of Article 2;
- as regards Belgium,
the institution, the organization or the
authority responsible in full or in part for the
implementation of the laws and regulations
specified in paragraph 1 of Article 2;
- (f) The term "period of coverage" means,
- as regards Japan,
a period of contributions under the Japanese
legislation, concerning the Japanese pension
systems specified in paragraph 2 (a) (i) to (v)
of Article 2, and any other period taken into
account under that legislation for establishing
entitlement to benefits;
- as regards Belgium,
any period recognized as an insurance period by
the Belgian legislation and any period recognized
as equivalent to an insurance period by that
legislation;
- (g) 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 Belgium, to the laws and regulations concerning:

- (a) old-age and survivors' pensions for salaried persons and self-employed persons;
- (b) the invalidity insurance for salaried persons, sailors of the merchant marine, mine workers and self-employed persons;
- (c) the social security for salaried persons; and
- (d) the social security for self-employed persons;

this Agreement shall also apply to the laws and regulations which will amend the aforementioned laws and regulations;

however, for the purpose of this Agreement, Articles 5, 6, 14 to 24, 29, 30, 33(except for paragraph 4), 34 and paragraph 2 of Article 36 shall only be applicable to the laws and regulations referred to in subparagraphs (a) and (b); and

2. 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 "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); and
 - (vi) the Law Concerning Mutual Aid for Private School Personnel (Law No. 245, 1953);

however, for the purpose of this Agreement, Articles 5, 6, 14 to 24, 29, 30, 33(except for paragraph 4), 34 and paragraph 2 of Article 36 shall only be applicable to the Japanese pension systems referred to in subparagraph (a).

Article 3 Persons Covered

This Agreement shall apply to a person who is or has been subject to the legislation of a Contracting State and other persons 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 to Beneficiaries Abroad

1. Unless otherwise provided in this Agreement, any provision of the legislation of one Contracting State which restricts entitlement to or payment of benefits solely because the person ordinarily resides outside or is absent from 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 the provisions of the Japanese legislation 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.

2. The old-age and survivors' benefits to be paid from one Contracting State shall be paid to nationals of the other Contracting State who ordinarily reside in the territory of a third country, under the same conditions as if they were nationals of the first Contracting State who ordinarily reside in the territory of the third country.

Article 6
Reduction of the Amount of Benefits
and Suspension of Payment of Benefits

The provisions of the legislation of one Contracting State concerning the reduction of the amount of a benefit or suspension of payment of a benefit, where a benefit payable under that legislation to a beneficiary coincides with a benefit payable under the legislation of the other Contracting State or where a beneficiary of the benefit payable under the legislation of that Contracting State works as an employee or a self-employed person in the territory of the other Contracting State, shall be applied to that beneficiary. However, this Article shall not apply when benefits of the same nature coincide.

PART II
PROVISIONS CONCERNING
THE APPLICABLE LEGISLATION

Article 7
General Provisions

1. 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.

2. In case of simultaneous exercise of a self-employed activity in the territory of Belgium and an employed activity in the territory of Japan, the employed activity exercised in the territory of Japan shall be assimilated to an employed activity exercised in the territory of Belgium, in order to determine the obligations resulting from the Belgian legislation concerning the social status of self-employed persons.

Article 8
Special Provisions

1. Where a person who is covered under the legislation of one 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 from that territory 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 of the two Contracting States or the competent institutions designated by those competent authorities may agree that the employee remains subject only to the legislation of the first Contracting State.

3. Paragraph 1 of this Article shall apply where a person who has been sent by his employer from the territory of one Contracting State to the territory of a third country is subsequently sent by that employer from the territory of the third country to the territory of the other Contracting State.

4. Where a person who is covered under the legislation of one 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 of the two Contracting States or the competent institutions designated by those competent authorities may agree that the self-employed person remains subject only to the legislation of the first Contracting State.

Article 9

Employees on Board a Sea-Going Vessel or on an Aircraft

A person who works as an employee on board a sea-going vessel flying the flag of either Contracting State or on an aircraft in international traffic shall, with respect to that employment, be subject only to the legislation of the Contracting State in whose territory the employer is located.

Article 10

Civil Servants, Members of Diplomatic Missions and Members of Consular Posts

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

2. 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.

Article 11
Exceptions to Articles 7 to 10

The Japanese competent authority or the Japanese competent institution and the Belgian competent authority may agree to grant an exception to Articles 7 to 10 in the interest of particular persons or categories of persons, provided that those persons or categories of persons shall be subject to the legislation of one of the Contracting States.

Article 12
Accompanying Spouse and Children

As regards the accompanying spouse or children of a person who works in the territory of Japan and who is subject to the Belgian legislation in accordance with Article 8, 9, paragraph 1 of Article 10 or Article 11,

- (a) In cases in which the accompanying spouse or children are persons other than Japanese nationals, the Japanese legislation shall not apply to them. However, when the accompanying spouse or children so request, the foregoing shall not apply.
- (b) In cases in which the accompanying spouse or children are Japanese nationals, the exemption from the Japanese legislation shall be determined in accordance with the Japanese legislation.

Article 13
Compulsory Coverage

Paragraph 1 of Article 7, Articles 8 and 9, paragraph 1 of Article 10 and Article 12 shall apply only to compulsory coverage under the legislation of each Contracting State. Article 8 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 Japanese legislation concerning the Japanese pension systems specified in paragraph 2(a)(i) to (v) of Article 2.

PART III
PROVISIONS CONCERNING BENEFITS

Chapter 1
Provisions concerning Belgian Benefits

Section 1
Old-Age and Survivors' Benefits

Article 14
Totalization

1. Subject to paragraph 2 of this Article, for the acquisition of the right to Belgian old-age or survivors' benefits by a person who has periods of coverage completed pursuant to the Belgian legislation, periods of coverage completed pursuant to the Japanese legislation concerning benefits shall be totalized with periods of coverage completed pursuant to the Belgian legislation by the Belgian competent institution, when necessary and to the extent that they do not overlap with periods of coverage completed pursuant to the Belgian legislation.

2. If the Belgian legislation subordinates the acquisition of the right to certain Belgian old-age or survivors' benefits to the condition that the periods of coverage are to be completed in a particular occupation, only periods of coverage completed pursuant to the Japanese legislation and considered by the Belgian competent institution as being completed in the same occupation shall be totalized by the Belgian competent institution for that purpose.

3. If the Belgian legislation subordinates the acquisition of the right to certain Belgian old-age or survivors' benefits to the condition that the periods of coverage are to be completed in a particular occupation, and when the periods of coverage totalized according to paragraph 2 of this Article do not result in entitlement to the said benefits, those totalized periods of coverage shall be considered by the Belgian competent institution valid for the determination of the benefits provided for in the Belgian general scheme of salaried persons.

Article 15
Calculation of the Amount of Benefits

1. If a person is entitled to Belgian old-age or survivors' benefits without totalization, the Belgian competent institution shall calculate the amount of those benefits on the basis of the periods of coverage completed only pursuant to the Belgian legislation. The Belgian competent institution shall also calculate the amount of those benefits that would be obtained by applying the rules specified in paragraph 2 of this Article. Only the higher of these two amounts shall be used.

2. If a person is entitled to Belgian old-age or survivors' benefits solely by totalization of the periods of coverage completed in accordance with Article 14, the following rules apply:

- (a) the Belgian competent institution shall calculate the theoretical amount of the benefit that would be paid if all the periods of coverage completed pursuant to the legislation of the two Contracting States were exclusively completed pursuant to the legislation it applies;
- (b) the Belgian competent institution shall then calculate the amount payable, on the basis of the amount specified under subparagraph (a), in proportion to the duration of the periods of coverage pursuant to the legislation it applies, in relation to the duration of all the periods of coverage referred to in subparagraph (a).

Section 2
Invalidity Benefits

Article 16
Totalization

For the acquisition of the right to Belgian invalidity benefits by a person who has periods of coverage pursuant to the Belgian legislation, Article 14 shall apply mutatis mutandis.

Article 17
Calculation of the Amount of Benefits

1. If the right to Belgian invalidity benefits is opened solely by totalization of the periods of coverage pursuant to the Belgian legislation and the periods of coverage pursuant to the Japanese legislation in accordance with Article 16, paragraph 2 of Article 15 shall apply *mutatis mutandis* to the calculation of the amount of the benefits payable.

2. If the right to Belgian invalidity benefits is opened without recourse to Article 16, and if the amount resulting from the sum of the Japanese disability benefit and of the Belgian invalidity benefit calculated in accordance with paragraph 1 of this Article is lower than the amount of the benefit payable solely on the basis of the Belgian legislation, the Belgian competent institution shall grant a complement equal to the difference between the total amount of these two benefits and the amount payable solely according to the Belgian legislation.

Article 18
Minimum Period of Coverage

In the cases referred to in paragraph 1 of Article 17, no Belgian invalidity benefit shall be paid by the Belgian competent institution when the total duration of the periods of coverage completed pursuant to the Belgian legislation before the contingency arose is less than one year.

Article 19
Special Provisions concerning Invalidity Benefits

The beneficiary of a Belgian invalidity benefit shall be still entitled to this benefit during a stay in the territory of Japan when this stay has first been authorized by the Belgian competent institution. This authorization can, however, only be refused by the Belgian competent institution if the stay takes place in the period during which, by virtue of the Belgian legislation, the Belgian competent institution must estimate or revise the state of invalidity.

Section 3
Common Provisions to the Belgian Benefits

Article 20
New Calculation of the Amount of Benefits

1. If, because of the rising cost of living, the variation of the wage levels or other adaptation causes, the amount of Japanese old-age, survivors' or disability benefits are changed with a given percentage or amount, there shall be no obligation on the Belgian competent institution to proceed to a new calculation of the amount of Belgian old-age, survivors' or invalidity benefits.

2. On the other hand, if the method of establishing entitlement to or the rules for calculation of Japanese old-age, survivors' or disability benefits should be changed, a new calculation shall be carried out by the Belgian competent institution in accordance with Article 15 or 17.

Chapter 2
Provisions concerning Japanese Benefits

Article 21
Totalization

1. Where a person does not have sufficient periods of coverage to fulfill the requirement for entitlement to Japanese benefits, the Japanese competent institution shall take into account, for the purpose of establishing entitlement to those benefits under this Article, the periods of coverage pursuant to the Belgian legislation insofar as they do not coincide with those periods of coverage pursuant to the Japanese legislation. However, this paragraph shall not apply to the additional pension for specified occupations under the mutual aid pensions and the lump-sum benefit equivalent to the refund of contributions.

2. In applying paragraph 1 of this Article,

- (a) periods of coverage pursuant to the Belgian legislation shall be taken into account as periods of coverage pursuant to Japanese pension systems for employees and as corresponding periods of coverage pursuant to the National Pension.

- (b) periods of coverage recognized pursuant to the Belgian legislation as following periods shall be taken into account as a period of equivalent work under the Employees' Pension Insurance:
 - (i) a period during which a person performs the permanent work underground in a mine; and
 - (ii) a period during which a person works as an employee on board a sea-going vessel.

Article 22

Special Provisions concerning Disability Benefits and Survivors' Benefits

1. Where the Japanese legislation requires for entitlement to disability benefits or survivors' benefits (except the lump-sum benefits equivalent to the refund of contribution) 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 periods of coverage pursuant to the Belgian legislation.

However, if entitlement to disability benefits or survivors' benefits (except the lump-sum benefits equivalent to the refund of contribution) 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 benefits equivalent to the refund of contribution) based on the same insured event under Japanese pension systems for employees.

2. In applying paragraph 1 of this Article, as regards a person who possesses periods of coverage pursuant to 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 Japanese legislation.

Article 23

Calculation of the Amount of Benefits

1. Where entitlement to a Japanese benefit is established by virtue of paragraph 1 of Article 21 or paragraph 1 of Article 22, the Japanese competent institution shall calculate the amount of that benefit in accordance with the Japanese legislation, 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 21 or paragraph 1 of Article 22, 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 and premium-exempted periods and periods of coverage pursuant to the Belgian legislation.

3. With regard to disability benefits and survivors' benefits under 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 Japanese legislation when the periods of coverage pursuant to those systems are less than that specified period, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 21 or paragraph 1 of Article 22, the amount to be granted shall be calculated according to the proportion of the periods of coverage pursuant to Japanese pension systems for employees to the sum of those periods of coverage and periods of coverage pursuant to the Belgian legislation. However, when the sum of the periods of coverage exceeds that specified period, the 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 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 pursuant to 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 pursuant to Japanese pension systems for employees referred to in paragraph 3 of this Article shall be the sum of the periods of coverage pursuant to all such pension systems. However, when the sum of the periods of coverage equals or exceeds the specified period determined by the Japanese legislation 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 period of coverage pursuant to Japanese pension systems for employees equals or exceeds the specified period determined by the Japanese legislation, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 21, the amount to be granted shall be calculated according to the proportion of the periods of coverage pursuant to the Japanese pension system for employees from which such benefits will be paid to that specified period.

Article 24
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 Japanese legislation.

PART IV
MISCELLANEOUS PROVISIONS

Article 25
Administrative Collaboration

1. For the implementation of this Agreement, the competent authorities of the two Contracting States shall agree on the necessary administrative arrangements and designate the liaison institutions and the competent institutions.
2. The competent authorities of the two Contracting States shall directly communicate to each other any information concerning the measures taken for the implementation of this Agreement.
3. The competent authorities of the two Contracting States shall directly 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.
4. The competent authorities and competent institutions of the two 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 26
Charges or Fees and Legalization

1. Insofar as the legislation and other relevant laws and regulations of one 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 27
Languages of Communication

1. In implementing this Agreement, the competent authorities and competent institutions of the two Contracting States may communicate directly in Japanese for Japan and in one of the official languages for Belgium with each other and with any concerned person 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 Belgium nor by the Belgian competent authorities and competent institutions for the reason that they are written in Japanese.

Article 28
Confidentiality of Information

1. The competent authorities or competent institutions of one 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 that information is necessary for the implementation of this Agreement.

2. Unless otherwise required by the laws and regulations of one Contracting State, information about an individual which is transmitted in accordance with this Agreement 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 29 Applications, Appeals and Declarations

1. When a written application for benefits, an appeal or any other declaration under the legislation of one 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 one 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 30 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 two Contracting States shall immediately consult on the measures necessary to ensure the payments of benefits by either Contracting State under this Agreement.

Article 31 Resolution of Disagreement

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

Article 32
Headings

The headings of Parts, Chapters, Sections 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 33
Events prior to the Entry into Force

1. In the implementation of this Agreement, the events before its entry into force shall be taken into account.
2. This Agreement shall not establish any entitlement to benefits for any period prior to its entry into force.
3. In the implementation of this Agreement, periods of coverage completed before its entry into force shall be taken into account for establishing entitlement to benefits by virtue of this Agreement.
4. In applying paragraph 1 or 4 of Article 8, in the case of persons whose detachment or self-employment referred to in those paragraphs commenced prior to the entry into force of this Agreement, the period of such detachment or self-employment shall be considered to begin on the date of entry into force of this Agreement.

Article 34
Revision, Forfeiture and Prescription

1. Any benefit that was not paid or that was suspended by reason of the nationality of a beneficiary or by reason of his ordinary residence outside of the territory of one Contracting State shall, upon application by that beneficiary, be paid or restored on the date of entry into force of this Agreement.
2. The amount of benefits determined before the entry into force of this Agreement shall be revised upon application by a beneficiary if any increase in the amount of the benefits results from the application of this Agreement.

3. 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.

4. If the application referred to in paragraph 1 or 2 of this Article or the application for the benefit by a beneficiary at the age concerning the establishment of entitlement to such benefit, which is acquired under this Agreement, is made within two years from the date of entry into force of this Agreement, any right arising from the implementation of this Agreement shall be acquired on that date. The legislation of either Contracting State concerning the forfeiture or the prescription of rights shall not be applicable to that application.

5. If the application referred to in paragraph 4 of this Article is made after two years from the date of entry into force of this Agreement, the rights which are not subject to forfeiture or which are not prescribed shall be determined subject to the legislation of each Contracting State.

Article 35 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 36 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 it shall be retained.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Agreement.

Done at Brussels on February 23, 2005, in duplicate in the English language.

For Japan:

内 藤 昌 平

For the Kingdom of Belgium:

Karel De Gucht