

AGREEMENT BETWEEN
JAPAN AND THE ITALIAN REPUBLIC
ON SOCIAL SECURITY

Japan and the Italian Republic,

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

Have agreed as follows:

Article 1

1. For the purpose of this Agreement,

(a) "national" means,

as regards Japan,
a Japanese national within the meaning of the law
on nationality of Japan,

as regards the Italian Republic,
an Italian national within the meaning of the law
on nationality of the Italian Republic;

(b) "legislation" means,

the laws and regulations of a Contracting State
concerning the systems specified in Article 2;

(c) "competent authority" means,

any of the Governmental organizations of a
Contracting State competent for the systems
specified in Article 2;

(d) "competent institution" means,

any of the insurance institutions, or any
association thereof of a Contracting State,
responsible for the implementation of the systems
specified in Article 2;

(e) "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

This Agreement shall apply,

1. as regards the Italian Republic,

(a) to the following Italian pension systems:

- (i) the general compulsory insurance for invalidity, old-age and survivors' pension of employed persons;
- (ii) the special schemes of the general compulsory insurance for self-employed persons;
- (iii) the separate scheme of the general compulsory insurance; and
- (iv) the insurance systems replacing and excluding the general compulsory insurance specified in (i);

however,

this Agreement shall not apply to the non-contributory benefits which are financed wholly or partially by the national budgetary resources, and

for the purpose of this Agreement, Article 13 shall not apply to the Italian pension systems specified in (a) of this paragraph; and

(b) to the insurance system against involuntary unemployment;

however, for the purpose of this Agreement, Articles 5 to 7, paragraph 2 of Article 9, 11, 18, 19 and 21 shall not apply to the Italian system specified in (b) of this paragraph; 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;

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 Article 13 shall not apply to the Japanese pension systems specified in (a) of this paragraph; and

- (b) to the Japanese employment insurance system concerning the unemployment benefits;

however, for the purpose of this Agreement, Articles 5 to 7, paragraph 2 of Article 9, 11, 18, 19 and 21 shall not apply to the Japanese system specified in (b) of this paragraph.

Article 3

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

Unless otherwise provided in this Agreement, the persons specified in Article 3, who 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

1. Any provision of the legislation of a Contracting State which restricts entitlement to or payment of benefits solely because the person resides outside the territory of that Contracting State shall not be applicable to persons who reside in the territory of the other Contracting State. However, the foregoing 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 death to be domiciled in the territory of Japan for the acquisition of entitlement to the Disability Basic Pension or the Survivors' Basic Pension.

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

Article 6

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

Article 7

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 from that territory to work in the territory of the other Contracting State, the employed person shall be subject only to the legislation of the first Contracting State as if that employed person 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 both Contracting States or the competent institutions designated by those competent authorities may agree that the employed person 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 a Contracting State to the territory of a third State is subsequently sent by that employer from the territory of the third State to the territory of the other Contracting State.

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 of both 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 8

Where a person works as an employed person on board a sea-going vessel flying the flag of a Contracting State and would otherwise be subject to the legislation of both Contracting States, that person is subject only to the legislation of that Contracting State.

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

Article 9

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

At the request of an employed person and an employer or a self-employed person, the competent authorities of both Contracting States or the competent institutions designated by those competent authorities may agree to grant an exception to Articles 6 to 8, paragraph 2 of Article 9 and Article 13 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

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 the Italian Republic in accordance with Article 7, 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 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 legislation of Japan shall be determined in accordance with the legislation of Japan.

Article 12

Articles 6 to 8, paragraph 2 of Article 9, Article 11 and Article 13 shall apply only to compulsory coverage under the legislation of each Contracting State.

Article 13

Notwithstanding any other provisions of this Agreement other than the provisions of Article 10, as regards the Italian system specified in paragraph 1(b) of Article 2 and the Japanese system specified in paragraph 2(b) of Article 2, the following provisions shall apply:

- (a) where a person who is covered under the Italian system specified in paragraph 1(b) of Article 2 or the Japanese system specified in paragraph 2(b) of Article 2 and employed in the territory of a 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 employed person shall be subject, with respect to that employment, only to the legislation of the first Contracting State, provided that the period of such detachment is not expected to exceed five years;
- (b) If the detachment referred to in paragraph (a) of this Article continues beyond five years, the competent authorities of both Contracting States or the competent institutions designated by those competent authorities may agree that the employed person remains subject only to the legislation of the first Contracting State;
- (c) Paragraph (a) of this Article shall apply where a person who has been sent by his employer from the territory of a Contracting State to the territory of a third State is subsequently sent by that employer from the territory of the third State to the territory of the other Contracting State.

Article 14

1. The competent authorities of both Contracting States shall:

- (a) agree on the administrative measures necessary for the implementation of this Agreement;
- (b) designate, among the competent authorities or competent institutions, the liaison agencies which may communicate directly to each other in order to facilitate 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 15

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 16

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

2. In implementing this Agreement, the competent authorities, competent institutions and liaison agencies 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 17

1. The competent authorities, competent institutions or liaison agencies of a Contracting State shall, in accordance with its laws and regulations, send to the competent authorities, competent institutions or liaison agencies 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 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 18

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, competent institution or liaison agency 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, competent institution or liaison agency 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, competent institution or liaison agency 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, competent institution or liaison agency of the other Contracting State without delay.

Article 19

Payments of benefits under this Agreement may be made in the currency of either Contracting State.

Article 20

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

Article 21

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

Article 22

In applying paragraphs 1 and 4 of Article 7 and paragraph (a) of Article 13, 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 23

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 24

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. When either Contracting State gives notice of termination of this Agreement to the other Contracting State, both Contracting States shall consult with each other in order to solve the issues which may arise from the termination of this Agreement.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done at Rome, on February 6, 2009, in duplicate in the English language.

For Japan:

Hiroyasu Ando

For the Italian Republic:

S. G. Craxi