

AGREEMENT BETWEEN
THE REPUBLIC OF AUSTRIA AND JAPAN
ON SOCIAL SECURITY

The Republic of Austria 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 terms “a Contracting State” and “the other Contracting State” mean the Republic of Austria or Japan, as the context requires;
 - (b) The term “Austria” means the Republic of Austria;
 - (c) The term “legislation” means,

as regards Austria,
the laws, regulations and statutory provisions concerning the branches of social security specified in paragraph 1 of Article 2;

as regards Japan,
the laws and regulations of Japan concerning the Japanese systems specified in paragraph 2 of Article 2;
 - (d) The term “national” means,

as regards Austria,
an Austrian citizen,

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

(e) The term “competent authority” means,

as regards Austria,
the Federal Ministers competent for the administration of the Austrian
legislation,

as regards Japan,
any of the Governmental organizations competent for the Japanese
systems specified in paragraph 2 of Article 2;

(f) The term “competent institution” means,

as regards Austria,
the institution competent under the applicable legislation to deal with the
matter in question,

as regards Japan,
any of the insurance institutions, or any association thereof, responsible
for the operation of the Japanese systems specified in paragraph 2 of
Article 2;

(g) The term “period of coverage” means,

as regards Austria,
periods of contribution or any period treated as such insofar as it is
considered equivalent to a period of coverage by the relevant legislation,

as regards Japan,

a period of contributions under the Japanese legislation, concerning the Japanese pension systems specified in paragraph 2 (a) of Article 2, and any other periods 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;

(h) The term “benefit” means,

a pension or any other cash benefit under the pension systems 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 Austria, to the following branches of social security:

(a) the pension insurance, with the exception of the insurance for notaries;

(b) the sickness insurance;

(c) the accident insurance; and

(d) the unemployment insurance

however, for the purpose of this Agreement, only Part II and provisions which serve to the application of Part II shall apply to the Austrian systems specified in subparagraphs (b), (c) and (d) of this paragraph.

2. as regards Japan,

(a) to the following Japanese pension systems:

- (i) the National Pension (except the National Pension Fund); and
- (ii) the Employees' Pension Insurance (except the Employees' Pension Fund);

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;

(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, Article 4 (except paragraph 1), Article 5, Articles 13 to 17, Articles 20 to 22, Article 26 (except paragraph 8), paragraph 2 of Article 28 shall not apply to the Japanese systems specified in subparagraph (b) of this paragraph; and

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

however, for the purpose of this Agreement, Article 4 (except paragraph 1), Articles 5, 6, paragraph 4 of Article 7, paragraph 2 of Article 9, Article 11, Articles 13 to 17, Articles 20 to 22, Article 26 (except paragraph 8) and paragraph 2 of Article 28 shall not apply to the Japanese system specified in subparagraph (c) of this paragraph.

3. This Agreement shall also apply to all amendments to the legislations of both Contracting States insofar as they do not modify substantially the scope of the systems regulated or implemented by those prior to such amendments.

4. As regards Austria, the legislation within the meaning of paragraph 1 of this Article shall not include treaties or other international agreements concluded between Austria and a third State, except insofar as they contain provisions relating to the apportionment of insurance burdens.

Article 3 Persons Covered

This Agreement shall apply to:

- (a) persons who are or have been subject to the legislation of one or both of the Contracting States; and
- (b) other persons who derive rights from the persons described in subparagraph (a) of this Article.

Article 4
Equality of Treatment

1. Unless otherwise provided in this Agreement, persons who are or have been subject to the legislation of one Contracting State, as well as other persons who derive rights from such persons, who ordinarily reside in the territory of the other Contracting State, shall receive equal treatment with nationals of that other Contracting State in the application of the legislation of that other Contracting State.

2. As regards Japan, the foregoing 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.

3. Paragraph 1 of this Article shall not apply to the provisions of Austrian legislation concerning:
 - (a) the participation of insured persons and employers in the administration of institutions and associations as well as adjudication in the field of social security;

 - (b) the apportionment of insurance burdens resulting from agreements with third States; and

 - (c) the crediting of periods of war service and periods considered as equivalent, except for Japanese nationals who were Austrian nationals immediately before March 13, 1938.

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. Benefits under the legislation of a Contracting State shall be paid to the persons specified in Article 3, who ordinarily reside in the territory of a third State, under the same conditions as a national of that Contracting State.

3. Paragraphs 1 and 2 of this Article shall not apply to the compensatory supplement and single payments to maintain purchasing power under the Austrian legislation.

PART II PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 6 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. When a person is subject to the Austrian legislation under this Part of this Agreement, an insurance under the Japanese legislation shall not be taken into account for the access to the compulsory insurance under the Austrian legislation.

Article 7 Special Provisions

1. Where an employee 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 and:

- (i) does not conclude an employment contract in the territory of that other Contracting State; or
- (ii) concludes an employment contract with an employer with a place of business in the territory of that other Contracting State, but is under the direction of the employer with a place of business in the territory of the first Contracting State, that employee shall, with respect to that work, provided that the period of such detachment is not expected to exceed five years,
 - (a) be subject only to the legislation of the first Contracting State, as regards the Austrian system specified in paragraph 1(a) of Article 2 and the Japanese system specified in paragraph 2(a) of Article 2, as if that employee were working in the territory of the first Contracting State,
 - (b) be subject only to the legislation of the first Contracting State, as regards the Austrian system specified in paragraph 1(d) of Article 2 and the Japanese system specified in paragraph 2(c) of Article 2, as if that employee were working in the territory of the first Contracting State,
 - (c) be subject to the legislation of both Contracting States, as regards the Austrian systems specified in paragraph 1(b) and (c) of Article 2 and the Japanese systems specified in paragraph 2(b) of Article 2.

2. If the detachment referred to in paragraph 1 of this Article continues beyond five years, at the request of an employee and an employer, the competent authorities of the two Contracting States or the competent institutions designated by those competent authorities may agree that the employee remains subject to the legislation as specified in paragraph 1 of this Article.

3. Paragraph 1 of this Article shall also apply where a person who has been sent by his or her employer from the territory of one 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. A person who would otherwise be covered under the legislation of both Contracting States with respect to self-employment and who is a resident of one Contracting State shall be subject only to the legislation of the Contracting State of which he or she is a resident. If this person is thus subject only to the Japanese legislation, paragraph 1 (c) of this Article shall apply accordingly.

5. 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 Japanese legislation concerning the Japanese pension systems specified in paragraph 2(a) of Article 2.

Article 8

Employees on Board a Sea-Going Vessel or on an Aircraft in International Traffic

1. Where the legislation of both Contracting States would otherwise apply to a person who works as an employee on board a sea-going vessel flying the flag of a Contracting State, that person shall be subject only to the legislation of that Contracting State. 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, provided that that person is not a resident of the first Contracting State.

2. A person who works as an employee 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 9

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

1. Nothing in this Agreement shall affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961 or of the Vienna Convention on Consular Relations of April 24, 1963.
2. Subject to paragraph 1 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. If this person is thus subject only to the Japanese legislation, paragraph 1 (c) of Article 7 shall apply accordingly.

Article 10

Exceptions to Articles 6 to 9

At the request of an employee and an employer or a self-employed person, the Japanese competent authorities or the Japanese competent institutions and the Austrian competent authority may by taking into account the nature and circumstances of the employment or self-employment, 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

Spouse and Children

1. While a person works in the territory of Japan and is subject to the Austrian legislation in accordance with Article 7 (except paragraph 4) or Article 10 applied to persons who are sent to Japan by an employer with a place of business in Austria, the spouse or children coming with that person shall be exempted from the Japanese legislation concerning the Japanese pension system specified in paragraph 2(a)(i) of Article 2 provided that the requirements specified in the Japanese legislation concerning the enforcement of the agreements on social security are fulfilled. However, when those spouse or children so request, the foregoing shall not apply.

2. While a person works in the territory of Japan and is subject only to the Austrian legislation in accordance with paragraph 4 of Article 7, paragraph 2 of Article 9 or Article 10 applied to other persons than specified in paragraph 1 of this Article, the spouse or children coming with that person shall be exempted from:

- (a) the Japanese legislation concerning the Japanese pension system specified in paragraph 2(a)(i) of Article 2, provided that the requirements specified in the Japanese legislation concerning the enforcement of the agreements on social security are fulfilled; and/or
- (b) the Japanese legislation concerning the Japanese health insurance system specified in paragraph 2(b)(iii) and (vii) of Article 2, provided that those spouse or children are covered under the Austrian legislation specified in paragraph 1(b) of Article 2 and the requirements specified in the Japanese legislation concerning the enforcement of the agreements on social security are fulfilled.

However, when those spouse or children so request, subparagraphs (a) and/or (b) of this paragraph shall not apply.

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 Austrian benefits

Article 13
Totalization

1. If a person has completed periods of coverage under the legislation of both Contracting States, these periods, insofar as they do not overlap, if necessary, shall be added together for the purpose of acquiring entitlement to a benefit, as if they were periods of coverage in Austria.

2. If the total duration of the periods of coverage to be taken into account for the determination of the benefit under the Austrian legislation is less than 12 months and due to these periods of coverage entitlement to a benefit does not exist under this legislation, no benefit is provided under the Austrian legislation.

3. The Austrian competent institution shall determine, in accordance with Austrian legislation, whether the claimant is entitled to a benefit by adding together the periods of coverage, and taking into account the following provisions:
 - (a) Where Austrian legislation makes the award of certain benefits conditional upon the completion of periods of coverage in an occupation covered by special schemes or in a specified occupation or employment, only periods of coverage under the Japanese legislation completed under a corresponding scheme or, failing that, in the same occupation or the same employment shall be taken into account for the award of such benefits.

 - (b) Where Austrian legislation provides that the period of payment of a pension shall prolong the reference period during which periods of coverage must be completed, periods during which a pension has been awarded under the Japanese legislation shall also prolong the aforesaid reference period.

- (c) Japanese periods of coverage, during which the person concerned was employed or self-employed, shall be treated as periods of contributions of compulsory insurance due to gainful activity.
- (d) Periods of coverage of a person completed in a third State, with which Austria has a social security agreement of the same kind, shall also be taken into account for the purpose of acquiring entitlement to a benefit under Austrian legislation.

Article 14

Calculation of the Amount of Benefits

1. Where entitlement to a benefit exists under Austrian legislation without the application of paragraph 1 of Article 13, the Austrian competent institution shall determine the amount of the benefit exclusively on the basis of the periods of coverage to be taken into account under that legislation.

2. Where entitlement to a benefit exists under Austrian legislation only by totalizing periods under paragraph 1 of Article 13, the Austrian competent institution shall determine the amount of the benefit in accordance with national law concerning the calculation of the amount of the benefits under bilateral agreements.

Chapter 2

Provisions concerning Japanese Benefits

Article 15

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 Austrian legislation insofar as they do not coincide with those periods of coverage pursuant to the Japanese legislation.

However, this paragraph shall not apply to lump-sum payments under the Japanese pension systems specified in subparagraph (a) of paragraph 2 of Article 2 on account of death or withdrawal.

2. In applying paragraph 1 of this Article,
 - (a) periods of coverage pursuant to the Austrian legislation shall be taken into account as periods of coverage pursuant to the Employees' Pension Insurance and as corresponding periods of coverage pursuant to the National Pension.
 - (b) periods of coverage recognized pursuant to the Austrian legislation as a period completed by permanent work underground in a mine shall be taken into account as a period of equivalent work under the Employees' Pension Insurance.

Article 16

Special Provisions concerning Disability Benefits and Survivors' Benefits

Where the Japanese legislation requires for entitlement to disability benefits or survivors' benefits (except lump-sum payments under the Japanese pension systems specified in subparagraph (a) of paragraph 2 of Article 2 on account of death) 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 Austrian legislation.

However, if entitlement to disability benefits or survivors' benefits (except lump-sum payments under the Japanese pension systems specified in subparagraph (a) of paragraph 2 of Article 2 on account of death) 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 lump-sum payments under the Japanese pension systems specified in subparagraph (a) of paragraph 2 of Article 2 on account of death) based on the same insured event under the Employees' Pension Insurance.

Article 17
Calculation of the Amount of Benefits

1. Where entitlement to a Japanese benefit is established by virtue of paragraph 1 of Article 15 or Article 16, the Japanese competent institution shall calculate the amount of that benefit in accordance with the Japanese legislation, subject to paragraphs 2 to 4 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 15 or Article 16, 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 Austrian legislation.

3. With regard to disability benefits and survivors' benefits under the Employees' Pension Insurance, 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 the Employees' Pension Insurance are less than that specified period, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 15 or Article 16, the amount to be granted shall be calculated according to the proportion of the periods of coverage under the Employees' Pension Insurance to the sum of those periods of coverage and periods of coverage pursuant to the Austrian 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 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 under the Employees' Pension Insurance 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 15, the amount to be granted shall be calculated according to the proportion of the periods of coverage under the Employees' Pension Insurance to that specified period.

PART IV
MISCELLANEOUS PROVISIONS

Article 18
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 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 19
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 German for Austria with each other and with any concerned person including his or her representatives 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 Austria nor by the Austrian competent authorities and competent institutions for the reason that they are written in Japanese.

Article 20
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 21
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 22
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 that Contracting State under this Agreement.

Article 23
Data Protection

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

2. The competent authorities or competent institutions of each Contracting State may, upon the request of the competent authorities or competent institutions of the other Contracting State, transmit, in accordance with the laws and regulations, personal data collected under its legislation to the competent authorities or competent institutions of the other Contracting State insofar as they are necessary for the implementation of the legislation of that other Contracting State.

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

- (a) the transmitted personal data shall be used by the receiving competent authorities or competent institutions only for the purpose of the implementation of this Agreement, unless use for other purposes is mandatory under the laws and regulations of the receiving State for such specific purposes as the interests protected by criminal law and taxation;

- (b) In individual cases the receiving competent authorities or competent institutions shall, upon the request of the transmitting competent authorities or competent institutions, inform that competent authorities or competent institutions of the use of the transmitted personal data and the results obtained thereof;
- (c) The transmitting competent authorities or competent institutions 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 competent authorities or competent institutions shall immediately notify the receiving competent authorities or competent institutions of this fact. In this case the receiving competent authorities or competent institutions shall correct or delete this data immediately;
- (d) The transmitting competent authorities or competent institutions and the receiving competent authorities or competent institutions shall, upon the request of the person concerned, inform that person of any personal data transmitted about him or her, of the purpose of, the legal basis for and the duration of the use of that personal data, and of the recipient of that personal data;
- (e) On request of the person concerned:
 - (i) the receiving competent authorities or competent institutions shall, in accordance with the laws and regulations of the receiving State, suspend the use of the data handled illegally or delete such data and shall immediately inform the transmitting competent authorities or competent institutions of that suspension or that deletion; and

- (ii) the transmitting competent authorities or competent institutions shall correct the inaccurate data handled by the transmitting competent authorities or competent institutions, and shall immediately inform the receiving competent authorities or competent institutions of that correction;

- (f) Each Contracting State shall ensure that the person concerned has the right to lodge an effective complaint with an independent and impartial tribunal in that Contracting State where his or her rights to data protection are infringed and that the person concerned is given the possibility to seek an effective remedy and, where appropriate, compensation.

- (g) Transmitted personal data shall be deleted by the receiving competent authorities or competent institutions 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;

- (h) The transmitting competent authorities or competent institutions and the receiving competent authorities or competent institutions shall record the cause, content and date of the transmission and the receipt of personal data;

- (i) The transmitting competent authorities or competent institutions and the receiving competent authorities or competent institutions shall protect personal data effectively, especially against loss, unauthorized access, unauthorized modification and unauthorized disclosure.

Article 24 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 25

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 26

Transitional Provisions

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 be taken into account for establishing entitlement to benefits by virtue of this Agreement.
3. This Agreement shall not apply to rights settled by a lump-sum payment or a refund of contributions before its entry into force.
4. Subject to paragraphs 5 to 7 of this Article, decisions, including the decline of entitlement to a benefit, made before the entry into force of this Agreement shall not affect any rights to be established by virtue of this Agreement.
5. As regards Austria, the amount of a benefit due only by virtue of this Agreement shall be determined from the date of entry into force of this Agreement at the request of the beneficiary. Where the claim is submitted within two years from the entry into force of this Agreement, the benefit shall be paid from that date; otherwise the benefit shall be paid from the date determined under the legislation of Austria.
6. As regards Austria, the amount of a benefit determined before the entry into force of this Agreement shall not be reviewed anew.

7. As regards Japan, 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.

8. In applying paragraph 1 of Article 7, in the case of persons whose detachment referred to in the paragraph commenced prior to the entry into force of this Agreement, the period of such detachment shall be considered to begin on the date of entry into force of this Agreement.

Article 27 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 28 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 respect of a person who submits an application for those benefits and who fulfils the requirements for entitlement to those benefits prior to the date of termination.

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

DONE in duplicate at, on....., in the German, Japanese and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Republic of Austria:

For Japan: