

(Japanese Note)

Luxembourg, 19 July 2013

Excellency,

I have the honour to refer to the Convention between Japan and the Grand-Duchy of Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and/or to a certain other tax, signed at Luxembourg on 5th March 1992, as amended by the Protocol signed at Luxembourg on 25th January 2010 (hereinafter referred to as "the Convention") and to confirm, on behalf of the Government of Japan, the following understandings reached between the two Governments:

1 With reference to Article 25 of the Convention, the term "such other companies which enjoy a similar special fiscal treatment by virtue of the laws of Luxembourg" includes SPF (société de gestion de patrimoine familial) within the meaning of the Act (loi) dated 11 May, 2007.

2 With reference to Article 28 of the Convention, the provisions of Article 25 of the Convention shall not be construed as preventing the Contracting States from exchanging information relating to SPF (société de gestion de patrimoine familial) within the meaning of the Act (loi) dated 11 May, 2007.

If the foregoing understandings meet with the approval of the Government of the Grand-Duchy of Luxembourg, I have further the honour to suggest that the present Note and Your Excellency's Note in reply to that shall constitute an agreement between the two Governments in this matter, which shall enter into force on the thirtieth day after the date of Your Excellency's Note in reply and shall be applicable:

- (i) with respect to taxes withheld at source, for amounts taxable on or after the date on which the agreement enters into force; and
- (ii) with respect to taxes on income which are not withheld at source, as regards income for any taxable year beginning on or after the date on which the agreement enters into force.

His Excellency
Mr. Luc Frieden
Minister of Finance
of the Grand-Duchy of Luxembourg

I avail myself of this opportunity to extend to Your Excellency the assurance of my highest consideration.

Wataru Nishigahiro
Ambassador Extraordinary
and Plenipotentiary of Japan
to the Grand-Duchy of Luxembourg

(Luxembourg Note)

Luxembourg, 19 July 2013

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date which reads as follows:

"(Japanese Note)"

I have further the honour to confirm on behalf of the Government of the Grand-Duchy of Luxembourg that the foregoing understandings are acceptable and to agree that Your Excellency's Note and this Note in reply shall constitute an agreement between the two Governments which shall enter into force on the thirtieth day after the date of this Note and shall be applicable:

- (i) with respect to taxes withheld at source, for amounts taxable on or after the date on which the agreement enters into force; and
- (ii) with respect to taxes on income which are not withheld at source, as regards income for any taxable year beginning on or after the date on which the agreement enters into force.

I avail myself of this opportunity to extend to Your Excellency the assurance of my highest consideration.

Luc Frieden
Minister of Finance
of the Grand-Duchy of Luxembourg

His Excellency
Mr. Wataru Nishigahiro
Ambassador Extraordinary
and Plenipotentiary of Japan
to the Grand-Duchy of Luxembourg