

The Republic of Korea and the Republic of Bulgaria (hereinafter referred to as the "Contracting Parties"),

Being desirous of regulating the relationship between their two countries in the field of social security,

Have agreed as follows:

**AGREEMENT ON SOCIAL SECURITY
BETWEEN
THE REPUBLIC OF KOREA
AND THE REPUBLIC OF BULGARIA**

PART I

General Provisions

**Article 1
Definitions**

1. For the purpose of this Agreement:
 - (a) "Korea" means, the Republic of Korea and, "Bulgaria" means, the Republic of Bulgaria
 - (b) "national" means,
with respect to Korea, a national of Korea as defined in the Nationality Law, as amended and,
with respect to Bulgaria, a national of Bulgaria within the meaning of the Constitution of the Republic of Bulgaria;
 - (c) "legislation" means, the laws and regulations specified in Article 2 of this Agreement;
 - (d) "competent authority" means, with respect to Korea, the Minister for Health, Welfare and Family Affairs, and with respect to Bulgaria, the Minister of Labour and Social Policy;
 - (e) "institution" means,
with respect to Korea, the National Pension Service, and

with respect to Bulgaria, the National Social Security Institute and the National Revenue Agency

- (f) "residence" means,
a person's usual place of residence;
- (g) "stay" means,
temporary short-term stay within the meaning of the legislation of the Contracting Parties
- (h) "insured person" means,
a national of either Contracting Party or insured person who has been subject to the legislation of any of the Contracting Parties
- (i) "survivors" means,
any person defined or recognized as such according to the legislation applied by the Contracting Party granting the insurance payments;
- (j) "period of insurance" means,
any period of contributions that has been recognized and completed under the legislation of a Contracting Party, and any other period recognized as equivalent to a period of contribution under that legislation;
- (k) "benefit" means,
as regard a Contracting Party, any cash benefit, pension or allowance provided for in the legislation specified in Article 2 of this Agreement, and includes any supplement or increases applicable to such a cash benefit, pension or allowance;
- (l) "refugee" means,
a refugee as defined by the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967 to that Convention;
- (m) "stateless person" means,
a person as defined by the Convention relating to the Status of stateless Persons of 28 September 1954.

- 2. All other words and expressions used in this Agreement have the meaning attached to them in the respective legislation.

Article 2

Applicable Legislation

- 1. This Agreement shall apply to the following legislation:
 - (a) with respect to Korea,
 - (i) the National Pension Act
 - (ii) with respect to Part II only of this Agreement,
 - the Employment Insurance Act
 - the Act on the Collection of Premiums for Employment Insurance and for Industrial Accident Compensation Insurance (excluding provisions on Premiums for Industrial Accident Compensation Insurance);
 - (b) with respect to Bulgaria,
 - (i) the legislation on state social insurance :
 - pensions for periods of insurance and age and invalidity pensions because of general illness;
 - survivors' pensions from any of the aforesaid kinds
 - (ii) with regard to Part II only of this Agreement, the legislation on state social insurance :
 - unemployment benefits;
- 2. This Agreement shall also apply to future legislation which amends, supplements, consolidates or supersedes the legislation specified in paragraph 1 of this Article.
- 3. Notwithstanding paragraph 2 of this Article, this Agreement shall not apply to the laws or regulations which extend existing legislation of one Contracting Party to new categories of beneficiaries, if the competent authority of that Contracting Party notifies the competent authority of the other Contracting Party in writing, within six months from the date of the publication of such laws or regulations, that no such extension to the Agreement is

intended.

4. If a person is not eligible for a benefit on the basis of the periods of insurance under the legislation of the Contracting Parties, the eligibility of that person for that benefit shall be determined by totalizing these periods and periods of insurance accumulated under the legislation of a third Party with which both Contracting Parties are bound by social security instruments which provide for the totalization of periods.

Article 3 Personal Scope

This Agreement shall apply to:

- (a) insured persons who are, or have been, subject to the legislation of one or of both Contracting Parties
- (b) other persons whose rights result from the rights of persons under item (a).

Article 4 Equal Treatment

Unless otherwise provided in this Agreement, nationals of either Contracting Party, refugees, and stateless persons, who reside or stay in the territory of either Contracting Party shall, in the application of the legislation of a Contracting Party, receive equal treatment with nationals of that Contracting Party.

The foregoing shall also apply to the dependants and survivors who reside or stay in the territory of either Contracting Party with respect to their rights derived from the persons specified in this paragraph.

Article 5 Export of benefits

1. Unless otherwise provided in this Agreement, a benefit according to the legislation of one of Contracting Parties may not be decreased, altered, suspended or terminated by reason that the entitled person resides or stays in the territory of the other Contracting Party, and the benefit shall be payable in the territory of the other Contracting Party.
2. Benefits under the legislation of one Contracting Party shall be granted to nationals of the other Contracting Party who reside or stay outside the territories of the Contracting Parties under the same conditions as they are granted to nationals of the first Contracting Party who reside or stay outside the territories of the Contracting Parties.

Part II

Applicable Legislation

Article 6 General Provisions

1. Except as otherwise provided in this Part, an employed person who works in the territory of one Contracting Party shall, with respect to that work, be subject only to the legislation of that Contracting Party.
2. A self-employed person who ordinarily resides in the territory of a Contracting Party and who works in the territory of the other

Contracting Party or in the territory of the two Contracting Parties shall, in respect of that work, be subject only to the legislation of the first Contracting Party.

3. A person who is employed in the territory of the two Contracting Parties or self-employed in the territory of a Contracting Party and employed in the territory of the other Contracting Party shall be subject only to the legislation of the Contracting Party in whose territory he ordinarily resides.
4. Civil servants or persons treated as such according to the legislation or the statutory pension for civil servant of one Contracting Party who are sent to work in the territory of the other Contracting Party are subject only to the legislation or the statutory pension for civil servant of the first Contracting Party.

Article 7 **Detached Workers**

1. Where a person in the service of an employer having a registered office in the territory of one Contracting Party is sent by that employer to work on that employer's behalf in the territory of the other Contracting Party, only the legislation on compulsory coverage of the first Contracting Party shall continue to apply for the period of that employment but for no more than 36 calendar months as though the employee were still employed in the territory of the first Contracting Party. This paragraph shall also apply to a worker who has been sent by his employer in the territory of one Contracting Party to the employer's affiliated or subsidiary company in the territory of the other Contracting Party.
2. In case the detachment continues beyond the period specified in paragraph 1 of this Article, the legislation of the first Contracting Party referred to in that paragraph shall continue to apply, for an additional period of 24 months provided that the competent

authorities of the two Contracting Parties or the institutions designated by them consent upon the joint request of the employee and the employer.

Article 8 **International Transportation**

1. Nothing in this Agreement shall affect the legislation of either Contracting Party on compulsory coverage of persons who work on board of a sea-going vessel.
2. If an enterprise for air, land and water transport with head office in the territory of one of the Contracting Parties sends an employee of the said enterprise to the territory of the other Contracting Party, applied shall be the legislation of the first Contracting Party with respect to this employee, as if the employee were in the first Party's territory.

Article 9 **Diplomatic Mission and Consular Offices**

1. As regards members of diplomatic representations and consular offices, their family members as well as private house workers with the members of such representations and consular offices, sent to the territory of the other Contracting Party, applied shall be the legislation of the sending Party.
2. As regards the persons mentioned in paragraph 1 of this Article, who have not been sent, applied shall be the legislation of the Contracting Party in the territory of which the said diplomatic representation or consular office is located.
3. Persons referred to in paragraph 2 of this Article, who are nationals of the Contracting Party to which the diplomatic representation or consular office belongs, may, within six months from the beginning

of the employment or from the date of the entry into force of this Agreement, choose that the legislation of that Contracting Party be applied in their case.

Article 10

Exceptions on the Provisions of Article 6 - 9

1. At the joint request of the employee and his employer, or of a self-employed persons, the competent authorities or institutions of both Contracting Parties may, subject to agreement, make an exception to Articles from 6 to 9 of this Agreement.
2. If with respect to the employed or self-employed person, according to paragraph 1 of this Article the legislations of one of the Contracting Parties are applied, although he is in the territory of the other Contracting Party, that legislation shall be applied as if the said employed/self-employed person worked in the territory of the first Contracting Party.

Part III

Provisions on Benefits

Article 11

Totalization of Periods of Insurance and Calculation of Pensions

1. When periods of insurance have been completed under the legislation of the two Contracting Parties, the institution of each Contracting Party shall, in determining eligibility for benefits under the legislation which it applies, take into account, if necessary, periods of insurance under the legislation of the other Contracting Party provided that such periods of insurance do not overlap with periods of insurance under its legislation.

2. Where the legislation of one Contracting Party makes the granting of certain benefits conditional upon the periods of insurance having been completed in an occupation which is subject to a special scheme, or the entitlement to benefits is subject to the condition of the periods of insurance having been completed in specific occupations or employment, periods completed under the legislation of the other Contracting Party shall only be taken into account for the granting of these benefits if these were completed under a corresponding scheme or, failing that, in a similar occupation. If the aggregation of periods of insurance does not create eligibility to a benefit within the specific scheme, these periods of insurance shall be aggregated within the general scheme of insurance.
3. The calculation of the pension shall be determined by the applicable legislation of the respective Contracting Parties unless otherwise provided in this Agreement.

Article 12

Independent Pension

If all conditions for a right to payment according to the legislation of one of the Contracting Parties have been complied with regardless of the periods of insurance attained according to the legislation of the other Contracting Party, the institution of the first Contracting Party shall decide the payment exclusively on the basis of the periods of insurance attained according to the legislation of that Contracting Party.

Article 13

Reduction, Suspension and Termination of Payments

As regards persons covered by this Agreement, the legislations of both Contracting Parties on refusal, reduction, suspension and termination of pensions shall not be applied in case that the pensions paid are of one and the same kind.

Article 14

Special Provisions relating to Bulgaria

1. If periods of insurance attained in Bulgaria are insufficient for the right to pension, the Bulgarian institution shall take into consideration also the periods of insurance attained under the Korean legislation, in accordance with Article 11 of this Agreement, within the scope necessary for assessing the right to pension, provided that these periods do not coincide.
2. The amount of the cash benefit shall be determined according to the Bulgarian legislation for periods of insurance attained in Bulgaria and the income on which insurance contributions have been paid in during these periods.
3. Invalidity pension for work accident or occupational disease and pensions not connected with any labour activity, except for social old age pensions, shall be paid in the territory of Korea if they were granted according to the Bulgarian legislation prior to the entitled persons change of residence to Korea.

Article 15

Special Provisions relating to Korea

1. Subject to Article 11 of this Agreement, to obtain a disability or survivors benefit, the requirement of the Korean legislation that a person be covered when the insured event occurs shall be considered to have been met if the person is covered for a benefit under the legislation of Bulgaria during a period in which the insured event occurs according to the legislation of Korea.
2. Where periods of insurance under the legislation of Bulgaria are taken into account to establish eligibility for benefits under the legislation of Korea in accordance with Article 11 and paragraph 1 of this Article, the benefit due shall be determined as follows:

(a) The institution of Korea shall first compute a pension amount equal to the amount that would have been payable to the person if all the periods of insurance taken into account under the legislation of the two Contracting Parties had been completed under the legislation of Korea. To determine the pension amount, the institution of Korea shall take into account the person's average standard monthly income while covered under the legislation of Korea.

(b) The institution of Korea shall calculate the partial benefit to be paid in accordance with the legislation of Korea based on the pension amount calculated according to the preceding subparagraph, in proportion to the ratio between the duration of the periods of insurance taken into consideration under its own legislation and the total duration of the periods of insurance taken into consideration under the legislation of the two Contracting Parties.

3. Lump-sum refunds shall be granted to nationals of the other Contracting Parties under the same conditions as they are granted to Korean nationals.
4. Provisions of the legislation of Korea restricting the entitlement to the disability or survivors benefit due to unpaid contributions at the time when the person has otherwise qualified for the benefit shall apply only to the period covered under the legislation of Korea.
5. The institution of Korea shall not be required to take into account periods of insurance which occurred prior to the earliest date for which periods of insurance may be recognized under its legislation.

Part IV

Miscellaneous Provisions

Article 16

Administrative Arrangement

1. The competent authorities of the Contracting Parties shall conclude an Administrative Arrangement that sets out the measures necessary for the implementation of this Agreement.

2. The liaison agencies of the Contracting Parties shall be designated in the Administrative Arrangement.

Article 17

Exchange of Information and Mutual Assistance

1. The competent authorities and institutions of the Contracting Parties shall, within the scope of their respective authorities:
 - (a) communicate to each other, to the extent permitted by the legislation which they administer, any information necessary for the application of this Agreement;
 - (b) assist each other with regard to the determination of entitlement to, or payment of any benefit under this Agreement, or the legislation to which this Agreement applies; and
 - (c) communicate to each other, as soon as possible, information concerning the measures taken by them for the application of this Agreement and of any changes in their respective legislation which may affect the application of this Agreement.

2. The assistance referred to in subparagraph 1(b) of this Article shall be provided free of charge, subject to any exceptions to be agreed upon in the Administrative Arrangement concluded pursuant to paragraph 1 of Article 16.

3. Medical examinations required under the legislation of one of the Contracting Parties, and which refer to a person residing in the territory of the other Contracting Party, shall be performed at the request of the competent institution, at the place in the territory of the other Contracting Party where the person is residing.

Article 18

Confidentiality of Information

Unless otherwise required by the national statutes of a Contracting Party, information about an individual which is transmitted in accordance with this Agreement to the competent authority or institution of that Contracting Party by the competent authority or institution of the other Contracting Party shall be used exclusively for the purposes of implementing this Agreement and the legislation to which this Agreement applies. Such information received by a competent authority or institution of a Contracting Party shall be governed by the national statutes of that Contracting Party for the protection of privacy and confidentiality of personal data.

Article 19

Exemption of Fees and Certification of Documents

1. Where the legislation of a Contracting Party provides that any document which is submitted to the competent authority or institution of that Contracting Party shall be exempted, wholly or partly, from fees or charges, including consular and administrative fees, the exemption shall also apply to corresponding documents which are submitted to the competent authority or institution of the other Contracting Party in the application of this Agreement.

2. Documents and certificates which are presented for purposes of this Agreement shall be exempted from requirements for authentication by diplomatic or consular authorities.

Article 20

Language of Communications

1. The competent authorities and institutions of the Contracting Parties may correspond directly with one another as well as with any person, wherever that person may reside, whenever it is necessary to do so for the application of this Agreement or the legislation to which this Agreement applies. The correspondence may be made in any official language of either Contracting Party or in English.
2. An application or document may not be rejected by a competent authority or institution of a Contracting Party solely because it is in an official language of the other Contracting Party.

Article 21

Submission of Claims, Notice, or Appeals

1. Unless otherwise provided in this Agreement, application, declaration or complaint submitted to the competent authority or institution of one of the Contracting Parties shall, with a view to the application of this Agreement, be considered as application, declaration or complaint submitted to the competent authority or institution of the other Contracting Party.
2. Any application for payment submitted under the legislation of one Contracting Party shall be considered as an application for the respective payment under the legislation of the other Contracting Party, unless the applicant explicitly request that the right to payment be determined only under the legislation of the former Contracting Party, provided that the person at the time of

application:

- (a) is entitled on age grounds to submit a valid claim for a benefit of the other Contracting Party, and
 - (b) requests that it be considered as an application under the legislation of the other Contracting Party, or
 - (c) provides information indicating that periods of insurance have been completed under the legislation of the other Contracting Party.
3. Application, declaration or complaint that must be submitted under the legislation of one Contracting Party within a specified period of time to the competent authority or institution, shall be considered as submitted to the relevant competent authority or institution of the other Contracting Party within the same period of time.
 4. Upon application of the provisions of paragraphs 1 and 2 of this Article, the aforesaid competent authority or institution shall immediately send the applications, declarations or complaints to the relevant competent authority or institution of the other Contracting Party through the liaison agency, indicating the date of receipt of the document

Article 22

Currency for Payment

1. The institution of a Contracting Party may pay benefits in accordance with this Agreement in the currency of that Contracting Party.
2. The payment of benefits shall be made directly to beneficiaries in the territory of the other Contracting Party, resulting from the execution of this Agreement and be performed in freely convertible currency.
3. In the event that a Contracting Party imposes currency controls or

other similar measures that restrict payments, remittance or transfers of funds or financial instruments to persons who are outside that Contracting Party, it shall, without delay, take appropriate measures to ensure the payment of any amount that must be paid in accordance with this Agreement to persons described in Article 3 who reside in the other Contracting Party.

Article 23

Settlement of Disputes

1. Any and all disputes in connection with the interpretation or application of this Agreement shall be resolved through direct negotiations between the competent authorities of the Contracting Parties
2. If such dispute cannot be resolved in this manner, the dispute shall, at the request of one or both the Contracting Parties, be submitted to an arbitration commission, whose composition and rules of procedure shall be determined by agreement between the Contracting Parties.

PART V

TRANSITIONAL AND FINAL PROVISIONS

Article 24

Transitional and Final Provisions

1. This Agreement shall not establish any right to benefits for any period before the date of the entry into force of this Agreement.
2. Subject to paragraph 1 of this Article, in determining the right to benefits under this Agreement any period of insurance completed before the date of entry into force of this Agreement, and any

other relevant events that occurred before that date shall be taken into consideration.

3. Determinations concerning entitlement to benefits which were made before the entry into force of this Agreement shall not affect rights arising under it.
4. Benefits determined before the entry into force of this Agreement may be newly determined upon application if a change results solely from the provisions of this Agreement. If the new determination under the preceding sentence of this paragraph results in no entitlement or entitlement to a lesser amount of pension that paid for the last period prior to the entry into force of this Agreement, the same amount of pension as previously paid shall continue to be paid.
5. In applying of Article 7 in case of persons who were sent to a Contracting Party prior to the date of entry into force of this Agreement, the periods of employment referred to in that Article shall be considered to begin on that date.
6. The provisions of Part III shall apply only to benefits for which an application is filed on or after the date this Agreement enters into force.

Article 25

Entry into Force

1. This Agreement is subject to ratification.
2. This Agreement shall enter into force on the first day of the third month following the month of receipt of the second one of the notes, by which the Contracting Parties notify each other through diplomatic channels that all requirements of their national legislations for enforcement of the Agreement have been complied

with.

Article 26
Termination of the Agreement

1. This Agreement is concluded for an indefinite term. Each of the Contracting Parties may during the current calendar year, in writing through diplomatic channels denounce it as of 01 January the next year. Such notification may not be done later than three months before the end of the preceding calendar year.
2. If this Agreement is terminated, rights regarding entitlement to or payment of benefits acquired under it shall be retained. The Contracting Parties shall make arrangements dealing with rights in the process of being acquired.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

DONE in duplicate at Seoul, on 30th October 2008, in Korean, Bulgarian and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE REPUBLIC OF KOREA FOR THE REPUBLIC OF BULGARIA