

AGREEMENT ON SOCIAL SECURITY
BETWEEN THE REPUBLIC OF KOREA AND
THE SLOVAK REPUBLIC

The Republic of Korea and the Slovak Republic (hereinafter referred to as "the Contracting States"),

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

Have agreed as follows:

Part I

General Provisions

Article 1

Definitions

1. For the purposes of this Agreement:

(a) "national" means,

as regards the Republic of Korea, a national of the Republic of Korea as defined in the Nationality Law, as amended, and

as regards the Slovak Republic, a national of the Slovak Republic;

(b) "legislation" means the laws and regulations specified in Article 2 of this Agreement;

(c) "competent authority" means,

as regards the Republic of Korea, the Minister for Health, Welfare and Family Affairs or the Minister of Labor as the case may require, and

as regards the Slovak Republic, the Ministry of Labour, Social Affairs and Family of the Slovak Republic

(d) "agency" means the institutions responsible for the implementation of the

legislation specified in Article 2 of this Agreement

- (e) "period of coverage" means any period of contributions that has been completed under the legislation of a Contracting State and any other period recognized as equivalent to a period of contributions under that legislation;
 - (f) "benefit" means any benefit in cash provided for in the legislation specified in Article 2 of this Agreement.
2. Any term not defined in this Article shall have the meaning assigned to it in the applicable legislation of the respective Contracting State.

Article 2

Material Scope

1. This Agreement shall apply to the following legislation concerning:
- (a) as regards the Republic of Korea:
 - (i) National Pension, and
 - (ii) with regard to the Part II of this Agreement only, Employment Insurance and Industrial Accident Compensation Insurance, and
 - (b) as regards the Slovak Republic:
 - (i) the Social Security Act related to the pension benefits (old age pension, invalidity pension, widow and widower's pension and orphan pension), and

(ii)with regard to the Part II of this Agreement only, the Social Security Act related to the participation in the social insurance.

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. This Agreement shall apply to future legislation which extends the existing legislation of one Contracting State to new categories of beneficiaries, unless the competent authority of that Contracting State notifies in writing the competent authority of the other Contracting State, within three months from the date of the publication of such legislation, that no such extension to the Agreement is intended.

Article 3

Personal Scope

This Agreement shall apply to any person who is or who has been subject to the legislation of either Contracting State and to the dependants and survivors of such a person within the meaning of the applicable legislation of either Contracting State.

Article 4

Equal Treatment

Unless otherwise provided in this Agreement, in applying the legislation of a Contracting State, the persons specified in Article 3 of this Agreement shall receive equal treatment with the nationals of that Contracting State.

Article 5

Export of Benefits

1. Unless otherwise provided in this Agreement, a benefit acquired under the legislation of one Contracting State shall not be subject to any reduction, modification, suspension, withdrawal or confiscation only by reason of the fact that the recipient resides or stays in the territory of the other Contracting State, and the benefit shall be paid in the territory of the other Contracting State.
2. The benefit under the legislation of one Contracting State shall be granted to the nationals of the other Contracting State who reside outside the territories of the Contracting States under the same conditions as it is granted to the nationals of the first Contracting State who reside outside the territories of the Contracting States.

Part II

Provisions on Coverage

Article 6

General Provisions

Except as otherwise provided in this Part, an employed person or a self-employed person who works in the territory of a Contracting State shall, with respect to that work or self-employed activities, be subject only to the legislation of that Contracting State.

Article 7

Detached Workers and Self-employed Persons

1. Where a person in the service of an employer having a registered office in the territory of one Contracting State is detached by that employer to work on that employer's behalf in the territory of the other Contracting State, only the legislation of the first Contracting State shall continue to apply with regard to that employment during the first sixty calendar months as if the employee were still employed in the territory of the first Contracting State. For the purpose of applying this Article, an employer and an affiliated or subsidiary company of the employer, as defined under the legislation of the Contracting State from which the person was detached, shall be considered as one and the same.
2. Notwithstanding paragraph 1 of this Article, the Korean workers detached to the Slovak Republic shall be covered under the Korean insurance program regarding a workplace-related insurance before being detached.

3. A self-employed person who exercises self-employed activities in the territory of one Contracting State and exercises temporarily self-employed activities in the other Contracting State during the first sixty calendar months shall be subject only to the legislation of the first Contracting State.

Article 8

Ship and Aircraft Crews

1. A person who is employed as an officer or member of a crew of a ship shall be subject only to the legislation of the Contracting State in whose territory the person resides.
2. A person who is employed as a member of the crew of an aircraft shall, in respect of that work, be subject to the legislation of the Contracting State in the territory of which the company by which he or she is employed has its head office. If, however, the company has a branch or permanent representation in the territory of the other Contracting State, such a person employed by that branch or permanent representation shall be subject to the legislation of the Contracting State in the territory of which it is located.

Article 9

Members of Diplomatic Missions 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. Civil servants or persons treated as such according to the legislation of one Contracting State to whom paragraph 1 of this Article does not apply and who are sent to work in the territory of the other Contracting State shall be subject only to the legislation or laws and regulations concerning the statutory scheme for civil servants of the first Contracting State.

Article 10

Exceptions

At the request of an employee and his or her employer or a self-employed person, the competent authorities or agencies of the two Contracting States may agree to grant an exception to the provisions of this Part with respect to individual persons or categories of persons, provided that any person concerned shall be subject to the legislation of one Contracting State.

Part III

Provisions on Benefits

Article 11

Assimilation of Facts

Facts that have legal effect on entitlement to, reduction, suspension or amount of benefits and occurred in the territory of one Contracting State shall be taken into account as if they had taken place in the territory of the other Contracting State.

Article 12

Totalization of Periods of Coverage

1. When periods of coverage have been completed under the legislation of the two Contracting States, the agency of each Contracting State shall, in determining eligibility for benefits under the legislation of that Contracting State, take into account, if necessary, periods of coverage under the legislation of the other Contracting State, provided that such periods of coverage do not overlap with periods creditable under the legislation of the first Contracting State.

2. If, even after totalizing periods of coverage completed in the other Contracting State as provided in paragraph 1 of this Article, a person is not eligible for a benefit on the basis of the periods of coverage under the legislation of the Contracting States, the eligibility of that person for that benefit shall be determined by totalizing these periods with periods of coverage accumulated under the legislation of a third state with which both Contracting States are bound by international social security instruments which provide for the totalization of periods of coverage.

Article 13

Calculation of Benefits

1. If, under the legislation of one Contracting State, the conditions for entitlement to benefits are satisfied without taking into account the provisions of Articles 11 and 12 of this Agreement, the agency of one Contracting State shall determine the benefits:
 - (a) on the basis of the periods of coverage completed exclusively under its legislation, and

- (b) according to the provisions of paragraph 2 of this Article, with the exception when the result of this calculation is equal to or lower than the result of the calculation under subparagraph (a) of this paragraph.
2. If, under the legislation of one Contracting State, the right to benefits can be acquired only taking into account the provisions of Article 11 and 12 of this Agreement, the agency of the first Contracting State shall take into account periods of coverage completed according to the legislation of the other Contracting State and, if necessary, the legislation pertaining to periods of coverage in a third state and:
- (a) calculate the theoretical amount of the benefit which could have been claimed provided that all periods of coverage had been completed under its legislation, and
- (b) then, on the basis of the theoretical amount calculated in accordance with subparagraph (a) of this paragraph, determine the amount of the benefit payable by applying the ratio of the duration of the periods of coverage completed under its legislation to the total periods of coverage.
3. For calculation of the benefit, the agency of one Contracting State shall take into account only income earned during the periods of coverage completed under the legislation which it applies.
4. If the agency of one Contracting State can calculate amount of benefit only with respect to periods of coverage obtained according to the legislation of that Contracting State, the provisions of paragraph 2 of this Article shall not be applied.
5. Notwithstanding the provisions of Article 12 of this Agreement, if the total period

of coverage completed under the legislation of one Contracting State does not reach 12 months, the agency of that Contracting State shall not be obliged to award pension benefits.

6. If the period of coverage accumulated under the legislation of the Slovak Republic does not reach 12 months, no benefit under this Agreement shall be paid. However, the preceding sentence shall not apply if, under the legislation of the Slovak Republic, the benefit is payable based on the period of coverage shorter than 12 months. The period of coverage less than 12 months accumulated under the legislation of the Republic of Korea shall be taken into account by the agency of the Slovak Republic for the calculation of the benefit payable under the legislation of the Slovak Republic.

Article 14

Special Provisions relating to the Republic of Korea

1. Subject to the provisions of Articles 12 and 13 of this Agreement, to obtain a disability or survivors benefit, the requirement of the legislation of the Republic of Korea 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 the Slovak Republic during a period of coverage in which the insured event occurs according to the legislation of the Republic of Korea.
2. The lump-sum refund shall be granted to the nationals of the Slovak Republic under the same conditions as it is granted to the nationals of the Republic of Korea. However, the lump-sum refund shall be paid to the nationals of a third state in accordance with the legislation of the Republic of Korea.

Article 15

Special Provisions relating to the Slovak Republic

A person whose invalidity began before he or she reached age of 18 or in case of studies in a regular school program up to age of 26 or Ph.D studies in a regular university program up to age of 26 and who has not participated in the insurance scheme of the Slovak Republic for the necessary period shall acquire the right to a invalidity pension only if that person is a permanent resident of the Slovak Republic. The competent authority of the Slovak Republic may, in the interest of categories of the beneficiaries, limit the application of the provision of Article 11 of this Agreement.

Part IV

Miscellaneous Provisions

Article 16

Administrative Arrangement

1. The competent authorities of the Contracting States shall conclude an Administrative Arrangement that sets out the measures necessary for the implementation of this Agreement.
2. The liaison agencies of each Contracting State shall be designated in the Administrative Arrangement.

Article 17

Exchange of Information and Mutual Assistance

1. The competent authorities or agencies of the Contracting States shall, within the scope of their respective authorities:
 - (a) communicate to each other, to the extent permitted by their respective legislation, 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 any change in their respective legislation which may affect the application of this Agreement.

2. The assistance referred to in paragraph 1 of this Article shall be provided free of charge, subject to any exceptions to be agreed upon by the competent authorities of the Contracting States in the Administrative Arrangement concluded pursuant to paragraph 1 of Article 16 of this Agreement.

Article 18

Protection of Personal Data

1. Information about an individual which is transmitted in accordance with this Agreement to one Contracting State by the other Contracting State shall be used exclusively for the purposes of implementing this Agreement.
2. Such information received by one Contracting State shall be governed by the laws and regulations of that Contracting State for the protection of privacy and confidentiality of personal data.

Article 19

Exemption of Fees and Certification of Documents

1. Where the legislation of one Contracting State provides that any document submitted to the competent authority or agency of that Contracting State shall be exempted, wholly or partly, from fees or charges, including consular and administrative fees, the exemption shall also apply to corresponding documents

submitted to the competent authority or agency of the other Contracting State in the application of this Agreement.

2. Documents and certificates presented to the competent authority or agency of one Contracting State by the other Contracting State for the purposes of implementing this Agreement shall be exempted from requirements for authentication by diplomatic or consular authorities.
3. Copies of documents certified as true by an agency of one Contracting State shall be accepted as true by an agency of the other Contracting State, without further certification.

Article 20

Language of Communication

1. An application or document may not be rejected by a competent authority or agency of one Contracting State solely because it is in an official language of the other Contracting State or in English.
2. The competent authorities or agencies of the Contracting States 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 State or in English.

Article 21

Application for Benefits

1. A written application for benefits filed with an agency of one Contracting State shall be considered as an application under the legislation of the other Contracting State if the applicant:
 - (a) requests that it be considered as an application under the legislation of the other Contracting State, or
 - (b) provides information indicating that periods of coverage have been completed under the legislation of the other Contracting State.
2. The date of submission of the application for benefits to the agency in the territory of one Contracting State is also regarded as the date of submission of the application for benefits to the agency in the territory of the other Contracting State.
3. An applicant may request that an application filed with an agency of one Contracting State not be considered an application for benefits under the legislation of the other Contracting State within the limitations of and in conformity with the legislation of the other Contracting State.
4. The provisions of Part III of this Agreement shall apply only to an application for benefits which is filed on or after the date of entry into force of this Agreement.

Article 22

Appeals, Transmission of Claims and Notices

1. An appeal concerning a determination made by an agency of one Contracting State may be validly filed with an agency of either Contracting State. The appeal shall be decided according to the procedure and legislation of the Contracting

State whose decision is being appealed.

2. In any case to which the provisions of Article 21 of this Agreement and paragraph 1 of this Article apply, the agency to which the claim, notice, or appeal has been submitted shall indicate the date of receipt on the document and transmit it without delay to the liaison agency of the other Contracting State.
3. Any claim, notice, or appeal which, under the legislation of one Contracting State, must have been filed within a prescribed period with an agency of that Contracting State but is instead filed within the same period with an agency of the other Contracting State shall be considered to have been filed on time.

Article 23

Payment of Benefits

1. The agency of a Contracting State shall pay benefits in accordance with this Agreement directly to the entitled persons who have the place of residence in the territory of the other Contracting State in a freely convertible currency.
2. In the event that a Contracting State imposes currency controls or other similar measures that restrict payments, remittance or transfers of funds or financial instruments to persons who are outside the Contracting State, it shall, without delay, take appropriate measures to ensure the payment of any amount that shall be paid in accordance with this Agreement.

Article 24

Resolution of Disagreements

Differences and disputes which may arise in implementing this Agreement shall be

settled by agreement of the competent authorities of the Contracting States.

Part V

Transitional and Final Provisions

Article 25

Transitional Provisions

1. This Agreement shall not establish any right to a benefit 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 a benefit under this Agreement, any period of coverage completed and any other relevant events occurred before the date of entry into force of this Agreement shall be taken into consideration.
3. Determinations concerning entitlement to benefits 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 in such benefits results solely from the provisions of this Agreement.
5. In applying Article 7 of this Agreement in case of persons detached to a Contracting State 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 from the date of entry into force of this Agreement.
6. Notwithstanding the provisions of paragraphs 1 to 5 of this Article, the competent agency of neither Contracting State shall be required to take into account periods

of coverage occurred prior to the earliest date from which periods of coverage may be credited under its legislation.

Article 26

Entry into Force

1. This Agreement is subject to approval according to internal legislation procedures and regulations of each Contracting State.
2. This Agreement shall enter into force on the first day of the third month following the month in which the Contracting States inform each other by written notification that all necessary statutory and constitutional requirements for the entry into force of this Agreement have been fulfilled.

Article 27

Duration and Termination of the Agreement

1. This Agreement shall remain in force without any limitation on its duration.
2. This Agreement may be terminated by either Contracting State giving written notice of its termination to the other Contracting State. In the event that the Agreement is terminated, it shall remain in force until the expiration of one calendar year following the year in which written notice of its termination is delivered by one of the Contracting States to the other Contracting State.
3. If this Agreement is terminated, rights regarding entitlement to or payment of benefits acquired under it shall be retained. The Contracting States shall make arrangements to deal with rights in the process of being acquired.

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

Done at Bratislava on 9th day of February 2009, in duplicate, in the Korean, Slovak and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Republic of Korea

For the Slovak Republic