

Draft

Arrangement

for

the Implementation of the Agreement

between

the Federal Republic of Germany

and

the Republic of Korea

on

Social Security

**The Government of the Republic of Korea
and
the Government of the Federal Republic of Germany,**

on the basis of paragraph (1) of Article 19 of the Agreement between the Republic of Korea and the Federal Republic of Germany on Social Security signed on March 10, 2000 (hereinafter referred to as "the Agreement"),

Have agreed as follows:

**Article 1
Definitions**

Where terms which appear in the Agreement are used in this Arrangement, they shall have the same meaning as they have in the Agreement.

**Article 2
Liaison agencies**

(1) Liaison agencies pursuant to paragraph (2) of Article 19 of the Agreement are:

a) in the Republic of Korea:

the National Pension Corporation, Seoul;

b) in the Federal Republic of Germany:

for the Wage Earners' Pension Insurance,
the Regional Insurance Institution (Landesversicherungsanstalt) for
Braunschweig, Braunschweig,

for the Salaried Employees' Pension Insurance,
the Federal Insurance Institution for Salaried Employees
(Bundesversicherungsanstalt für Angestellte), Berlin,

for the Miners' Pension Insurance,
the Federal Miners' Insurance Institution (Bundeskknappschaft),
Bochum,

for the Steelworkers' Supplementary Insurance,
the Regional Insurance Institution (Landesversicherungsanstalt) for the
Saarland, Saarbrücken,

to the extent that the German statutory sickness insurance agencies
are involved in implementing the Agreement,
the German Liaison Agency Health Insurance-International (Deutsche
Verbindungsstelle Krankenversicherung-Ausland), Bonn.

(2) In applying German legislation, the liaison agency designated for the
Wage Earners' Pension Insurance system shall be responsible, within the
scope of that system, for all procedures including the determination and
granting of benefits if:

- a) periods of coverage have been completed or are to be credited under
both German and Korean legislation; or
- b) the person entitled to a benefit ordinarily resides in the territory of
the Republic of Korea; or
- c) the person entitled to a benefit is a Korean national and ordinarily
resides outside the territories of both Contracting States.

This provision shall apply to rehabilitation benefits only if they are to be granted while an application for a pension is being processed.

(3) The jurisdiction of the Railways' Insurance Institution and of the Seamen's Fund under German legislation shall remain unaffected.

(4) The liaison agencies and the German agencies referred to in paragraph (3) shall be authorized to agree, within their respective areas of jurisdiction and with the participation of the competent authorities, upon the administrative measures necessary and appropriate for the implementation of the Agreement, including the procedure for the reimbursement and payment of cash benefits. Paragraph (1) of Article 19 of the Agreement shall remain unaffected.

(5) Paragraph (4) shall apply analogously to the institutions designated by the competent authorities in the second sentence of paragraph (1) of Article 7 and in the first sentence of Article 10 of the Agreement.

Article 3

Obligation to provide information

The liaison agencies and the German agencies under paragraph (3) of Article 2 as well as the institutions specified in paragraph (5) of Article 2 shall, within their respective areas of jurisdiction, be responsible for providing general information to the persons concerned about their rights and obligations under the Agreement.

Article 4

Obligation to communicate facts

(1) The institutions referred to in paragraphs (1), (3) and (5) of Article 2 of this Arrangement and in Article 14 of the Agreement shall, within their

respective areas of jurisdiction, provide each other and the persons concerned the facts and evidence necessary to secure the rights and obligations arising from the legislation specified in paragraph (1) of Article 2 of the Agreement as well as from the Agreement and this Arrangement.

(2) Where a person is obliged, under the legislation specified in paragraph (1) of Article 2 of the Agreement, under the Agreement or under this Arrangement, to communicate to the agency certain facts, this obligation shall also apply with regard to corresponding facts arising in the territory of the other Contracting State or under its legislation. This shall also apply insofar as a person has to transmit certain evidence.

Article 5

Certificate on coverage

(1) In the circumstances described in Articles 7 and 10 of the Agreement, the competent agency of the Contracting State whose legislation is applicable shall, on request, issue a certificate stating, in respect of the employment in question, that the employee and his employer or the self-employed person are subject to that legislation. A specific period of validity must be given on the certificate.

(2) Where German legislation is applicable, the certificate shall be issued for the first twenty-four calendar months of the detachment by the sickness insurance agency to which the pension contributions are paid, and by the Federal Insurance Institution for Salaried Employees (Bundesversicherungsanstalt für Angestellte), Berlin, in any other case. In the cases covered by the second sentence of paragraph (1) of Article 7 and by Article 10 of the Agreement, the German Liaison Agency Health Insurance-International shall issue the certificate.

(3) Where Korean legislation is applicable, the certificate shall be issued by the National Pension Corporation.

Article 6

Payment procedure

Cash benefits payable to beneficiaries in the territory of the other Contracting State shall be paid directly.

Article 7

Exchange of statistics

The liaison agencies and the German agencies under paragraph (3) of Article 2 of this Arrangement shall annually compile statistics as of 31 December on the pension payments made in the territory of the other Contracting State. Where possible, these statistics should show the number and total amount of pensions and of lump-sum payments, by type of pension. The statistics shall be exchanged.

Article 8

Entry into force and period of duration

(1) This Arrangement shall enter into force on the date on which both Governments have informed each other that the national requirements for such entry into force have been fulfilled. The aforementioned date of the entry into force of this Arrangement shall be the day on which the last notification is received.

(2) It is to be applied from the date of the entry into force of the Agreement and shall have the same period of duration.

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

In witness whereof, the undersigned, being duly authorized thereto, have signed this Arrangement.

Done at Seoul on March 18th, 2003 in duplicate in the Korean, German and English languages, all three texts being authentic. In case of divergent interpretations of the Korean and the German texts, the English text shall prevail.

For the Government
of the Republic of Korea

For the Government
of the Federal Republic of Germany