

CONVENTION ON SOCIAL SECURITY  
BETWEEN  
THE REPUBLIC OF KOREA  
AND  
THE KINGDOM OF THE NETHERLANDS

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

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

Wishing to prevent double coverage under the social security systems of both countries for persons moving between or working in their respective territories,

Have agreed as follows:

## PART I GENERAL PROVISIONS

### ARTICLE 1 Definitions

1. For the purpose of this Convention, the following definitions apply,
  - a) "Korea" means the Republic of Korea, and  
"the Netherlands" means the Kingdom of the Netherlands;
  - b) "Territory" means,
    - (i) in relation to Korea, the territory of the Republic of Korea, and
    - (ii) in relation to the Netherlands, the territory of the Kingdom in Europe;
  - c) "National" means,
    - (i) in relation to Korea, a national of the Republic of Korea as defined in the Nationality Law, and
    - (ii) in relation to the Netherlands, a person of the Netherlands' nationality;
  - d) "Competent authority" means,
    - (i) in relation to Korea, the Minister of Health and Welfare, and

- (ii) in relation to the Netherlands, the Minister of Social Affairs and Employment;
- e) "Agency" means,
  - (i) in relation to Korea, the National Pension Corporation, and
  - (ii) in relation to the Netherlands, the institution charged with the implementation of the legislation specified in Article 2;
- f) "Legislation" means the laws and regulations specified in Article 2;
- g) "Employed person" means a person who is employed by an employer as well as any person who is deemed equivalent to an employed person by the applicable legislation.

2. Other words and expressions which are not defined in this Article have the meanings respectively assigned to them in the legislation concerned.

## **ARTICLE 2**

### **Material scope**

1. This Convention shall apply,
  - a) in relation to Korea, to the National Pension Act, and
  - b) in relation to the Netherlands, to the legislation on:
    - (i) old age insurance;
    - (ii) invalidity insurance;
    - (iii) survivors' insurance;
    - (iv) sickness insurance (cash benefits, including the scheme concerning the liability of an employer and benefits in kind);
    - (v) unemployment insurance;
    - (vi) children's allowances.
  
2. Subject to paragraph 3 of this Article, this Convention shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates

the legislation specified in paragraph 1 of this Article.

3. This Convention shall not apply to the laws or regulations which extend the existing legislation of one Contracting Party to a new category of beneficiaries, if the Competent authority of that Contracting Party notifies the Competent authority of the other Contracting Party, within three months from the date of the official publication or proclamation of such laws or regulations, that no such extension of the Convention is intended.

4. This Convention shall not apply to legislation instituting a new branch of social security, unless the Contracting Parties make an agreement to that effect.

5. Unless otherwise provided in this Convention, the legislation referred to in paragraph 1 of this Article shall not include treaties or other international agreements on social security that may be concluded between one Contracting Party and a third State, or legislation promulgated for their specific implementation.

6. This Convention does not apply to social assistance schemes or to special schemes for civil servants or persons treated as such.

### **ARTICLE 3**

#### **Personal scope**

Unless otherwise provided, this Convention shall apply to:

- a. Persons who are or have been subject to the legislation of one or both Contracting Parties, and
- b. Persons deriving rights from a person mentioned under paragraph a of this Article.

## **ARTICLE 4**

### **Equal treatment**

1. Unless otherwise provided in this Convention, nationals of one Contracting Party shall, when they stay or reside in the territory of the other Contracting Party, have the same obligations and rights as nationals of that Contracting Party regarding the application of the legislation of that Contracting Party.
2. Paragraph 1 of this Article shall not apply to lump-sum refunds of contributions in accordance with Article 102 of the legislation of Korea.

## **ARTICLE 5**

### **Payments of benefits abroad**

1. Unless otherwise provided in this Convention, pensions and other cash benefits in case of old-age, invalidity, survivors and childrens' allowances acquired under the legislation of one Contracting Party may not be reduced, modified, suspended or with-drawn by reason of the fact that the recipient stays or resides in the territory of the other Contracting Party.
2. Unless otherwise provided in this Convention, cash benefits payable by one Contracting Party to persons designated in Article 3 in the territory of the other Contracting Party shall also be payable to nationals of the other Contracting Party who stays or resides in the third State, on the same conditions and to the same extent as to nationals of the first Contracting Party who stays or resides in the territory of the third State.

## **PART II**

### **DETERMINATION OF THE APPLICABLE LEGISLATION**

## **ARTICLE 6**

### **General rules**

1. Unless otherwise provided in this Part, where a person is employed in the territory of one Contracting Party, the person shall be subject only to the legislation of that Contracting Party.

2. Where a person is employed in the territory of both Contracting Parties for the same period, the person shall be subject only to the legislation of the Contracting Party in whose territory the person ordinarily resides.

3. Where a person ordinarily resides in the territory of one Contracting Party and is self-employed in the territory of both Contracting Parties, the person shall be subject only to the legislation of the Contracting Party in whose territory the person ordinarily resides.

4. Where a person is employed in the territory of one Contracting Party and is self-employed in the territory of the other Contracting Party for the same period, the person shall be subject only to the legislation of the Contracting Party in whose territory the person ordinarily resides.

## **ARTICLE 7**

### **Detached worker**

1. Where a person in the service of an employer having a place of business in one Contracting Party is sent by that employer to the other Contracting Party for a period that is not expected to exceed five years, the person shall remain subject only to the legislation of the first Contracting Party as if the person were employed in that Contracting Party. Successive posting of the same employee by the same employer shall be counted as one, unless they are

separated by at least twelve months. For the purposes of applying this paragraph, an employer and an affiliated or subsidiary company of the employer, as defined under the National Statutes of the Contracting Party from which the person was sent, shall be considered as the same employer.

2. Paragraph 1 of this Article shall apply where a person who has been sent by the person's employer from the territory of one Contracting Party 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 Party, provided that the person was subject to the legislation of the first Contracting Party during the period of employment in the third State.

3. Paragraph 1 of this Article shall not apply in the case of a person who is sent by an employer from the territory of one Contracting Party to the territory of the other Contracting Party, if the person is also employed in the territory of the other Contracting Party by a different employer located in that territory.

## **ARTICLE 8**

### **Mariners and aircraft crew**

1. A person who is employed as an officer or member of the crew of a ship shall be subject only to the legislation of the Contracting Party in whose territory the person ordinarily resides.

2. A Person who is employed as an officer or member of the crew of an aircraft shall be subject only to the legislation of the Contracting Party in which the employer's principal place of business is located.

## **ARTICLE 9**

### **Diplomatic and consular personnel**

1. Notwithstanding paragraphs 2 and 3 of this Article, this Convention shall not affect the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961, or of the Vienna Convention on Consular Relations of 24 April 1963.
2. Where a person who is employed in the Government Service, or treated as such, or in the local Government Service of one Contracting Party, is sent to work in the territory of the other Contracting Party, the legislation of the former Contracting Party shall apply to the person as if the person were employed in its territory.
3. Where a person, locally engaged, is employed in a diplomatic mission or consular post of one Contracting Party in the territory of the other Contracting Party, the legislation of the latter Contracting Party shall apply to that Person.
4. Where the person referred to in paragraph 2 and 3 of this Article is subject to the legislation of a Contracting Party, the employer in question shall observe the obligations which that legislation imposes on employers.

## **ARTICLE 10**

### **Modification provision**

The Competent authorities or the Agencies designated by the Competent authorities of the two Contracting Parties may agree to grant an exception on the application of Article 6 to 9, in respect of particular persons or categories of persons, provided that the affected persons shall be subject to the legislation of one of the Contracting Parties.



**ARTICLE 11**  
**Members of family**

The provisions of Article 7, paragraphs 1 and 2 of Article 9 and Article 10 shall apply by analogy to the spouse and children accompanying a person, described in those Articles, from the territory of one Contracting Party to the territory of the other Contracting Party, unless they themselves take up a gainful occupation or are receiving a pension or a cash benefit under the legislation of the latter Contracting Party.

**ARTICLE 12**  
**A period of residence**

A person who is subject to the legislation of one Contracting Party in accordance with the provisions of this Part shall be considered as residing in the territory of that Contracting Party.

**PART III**  
**ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS**

**ARTICLE 13**  
**Administrative arrangement**

1. The Competent authorities of the Contracting Parties shall establish, by means of an administrative arrangement, the measures necessary for the application of this Convention.
  
2. The liaison bodies of the Contracting Parties shall be designated in that Arrangement.

**ARTICLE 14**  
**Mutual assistance**

1. The Competent authorities and the Agencies responsible for the application of this Convention:
  - a) shall communicate to each other to the extent permitted by the legislation which they administer, any information necessary for the application of this Convention.
  - b) shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Convention or about changes in their respective legislation in so far as these changes affect the application of this Convention.
  
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 Parties in the Administrative arrangement concluded pursuant to Article 13.

**ARTICLE 15**  
**Exemption from fees and certification of documents**

1. Any exemption from or reduction of taxes, legal dues, consular fees or administrative charges for which provision is made in the legislation of one Contracting Party in connection with the issuing of any certificate or document required to be produced for the application of that legislation shall be extended to certificates or documents required to be produced for the application of the legislation of the other Contracting Party.
  
2. Any acts or documents of an official nature required to be produced for

the application of this Convention shall be exempt from any authentication by diplomatic or consular authorities or similar formality, unless the Competent authorities or the Agencies designated by the Competent authorities determine otherwise.

3. Copies of documents which are certified as true and exact copies by the Agency of one Contracting Party shall be accepted as true and exact copies by the Agency of the other Contracting Party, without further certification. The Agency of each Contracting Party shall be the final judge of the probative value of the evidence submitted to it from whatever sources.

## **ARTICLE 16**

### **Language of communication**

1. For the application of this Convention, the Competent authorities and the Agencies of the Contracting Parties may communicate directly with one another in English.

2. An application or document may not be rejected by the Competent authority, the Agency or the liaison body of one Contracting Party solely because it is in the official language of the other Contracting Party.

## **ARTICLE 17**

### **Resolution of disputes**

Any disagreement regarding the interpretation or application of this Convention shall be resolved by consultation between the Competent authorities of the Contracting Parties.

## **ARTICLE 18**

### **Confidentiality of information**

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

## **PART IV**

### **TRANSITIONAL AND FINAL PROVISIONS**

## **ARTICLE 19**

### **Transitional provision**

In applying paragraph 1 of Article 7 in the case of persons who were sent to the territory of one Contracting Party prior to the date of entry into force of this Convention, the periods of employment referred to in that paragraph shall be considered to begin on that date.

## **ARTICLE 20**

### **Entry into force**

The Contracting Parties shall notify each other in writing of the completion of their respective constitutional or legal procedures required for

the entry into force of this Convention. This Convention shall enter into force on the first day of the third month after the date of the last notification.

## ARTICLE 21

### Period of duration and termination

This Convention shall remain in force without any limitation of its duration. It may be denounced at any time by either Contracting Party giving twelve months' notice in writing to the other Contracting Party.

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

DONE in duplicate at Hague this 7th day of July 2000, in the Korean, Dutch 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 KINGDOM OF THE  
NETHERLANDS