

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

The Republic of Korea and the Republic of Slovenia (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:

Part I
General provisions

Article 1
Definitions

1. For the purpose of this Agreement:
 - (a) “national” means as regards the Republic of Korea (hereinafter referred to as “Korea”), a national of Korea as defined in the Nationality Law, and as regards the Republic of Slovenia (hereinafter referred to as “Slovenia”), a national of Slovenia as defined in the Citizenship of the Republic of Slovenia Act, including any amendments thereto;
 - (b) “legislation” means the laws and regulations specified in Article 2 of this Agreement;
 - (c) “Competent Authority” means ministers or ministries responsible for the implementation of the legislation specified in Article 2 of this Agreement;
 - (d) “Agency” means as regards Korea, the National Pension Service, and as regards Slovenia, the agencies responsible for the implementation of legislation referred to in Article 2 of this Agreement;
 - (e) “period of coverage” 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 and special periods recognized under the Slovenian legislation;

- (f) “benefit” means any benefit in cash provided for in the legislation specified in Article 2 of this Agreement;
- (g) “personal data” means any information relating to a specific person, dependant, survivor or any other person in a manner enabling to establish his or her identity by referring to the identification number or to one or more physical, physiological, mental, economic, cultural or social identifiers;
- (h) “liaison agency” means institutions authorized for the direct contacts for the effective implementation of this Agreement.

2. Any term not defined in this Article shall have the meaning assigned to it in the applicable legislation.

Article 2

Applicable Legislation

1. This Agreement shall apply to the following legislation:

- (a) as regards Korea,
 - the laws and regulations concerning the National Pension;
- (b) as regards Slovenia,
 - (i) the laws and regulations that govern compulsory pension and disability insurance except for the provisions regulating benefits for residual ability to work.
 - (ii) with regard to Part II of this Agreement only, the laws and regulations that regulate compulsory participation in social insurance system.

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

3. This Agreement shall also apply to future legislation which amends, supplements, consolidates or supersedes the legislation specified in paragraph 1 of this Article.

4. Notwithstanding paragraph 3 of this Article, this Agreement shall not apply to the laws and 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 entry into force of such laws or regulations, 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 Party, and to the dependants and survivors of such a person within the meaning of the applicable legislation of either Contracting Party.

Article 4

Equal Treatment

1. Unless otherwise provided in this Agreement, any person described in Article 3 who resides in the territory of either Contracting Party, shall, in the application of the legislation of the Contracting Party, receive equal treatment with nationals of that Contracting Party. The foregoing shall also apply to the dependants and survivors who reside in the territory of either Contracting Party with respect to their rights derived from the persons specified in this paragraph.
2. Unless otherwise provided in this Agreement, benefits under the legislation of one Contracting Party shall not be subject to any reduction, modification, suspension, withdrawal or confiscation by reason of the fact that the recipient resides or stays in the territory of the other Contracting Party, and the benefits shall be payable in the territory of the other Contracting Party.
3. Benefits under the legislation of one Contracting Party shall be granted to nationals of the other Contracting Party who reside outside the territories of the Contracting Parties under the same conditions as they are granted to nationals of the first Contracting Party who reside outside the territories of the Contracting Parties.

Part II
Provisions on Coverage

Article 5
General provisions

1. Except as otherwise provided in this Part, an employed person or a self-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 person who is employed or self-employed in the territories of both 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 or she ordinarily resides.

Article 6
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 with regard to that employment during the first sixty 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 or her 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. Paragraph 1 of this Article shall apply analogously to a self-employed person, who ordinarily exercises self-employed activities in the territory of one Contracting Party, when that person exercises temporarily self-employed activities in the other Contracting Party.

3. In case the detachment continues beyond the period specified in paragraph 1 and 2 of this Article, the legislation of the first Contracting Party referred to in that paragraph shall continue to apply, provided that the Competent Authorities of both Contracting Parties or the Agencies designated by them consent upon the joint request of the employee and the employer.

Article 7

Mariners and Aircraft Crew

1. A person who, but for this Agreement, would be subject to the legislation of both Contracting Parties with respect to employment as an officer or member of a crew on a ship shall be subject only to the legislation of Korea if the person ordinarily resides in Korea and only to the legislation of Slovenia in any other case.
2. A person who is employed as an officer or member of the crew of an aircraft shall, in respect of that employment, be subject to the legislation of the Contracting Party 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 representation in the territory of the other Contracting Party, such a person employed by that branch or representation and who is not subject to Article 6 of this Agreement shall be subject to the legislation of the Contracting Party in the territory of which the branch or representation is located.

Article 8

Members of Diplomatic Missions, Consular Posts 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. Subject to paragraph 1 of this Article, a person employed by the central or local government service, or any other public service of a Contracting Party, who is sent to work in the territory of the other Contracting Party, shall be subject to the legislation of the first Contracting Party as if he or she were employed in its territory.

Article 9
Exceptions

The Competent Authorities of the two Contracting Parties or the Agencies designated by them may agree to grant an exception to this Part with respect to particular persons or categories of persons provided that any affected person shall be subject to the legislation of one Contracting Party.

Article 10
Special Provisions for employed persons sent from Korea to Slovenia

1. With regard to paragraph 2 of Article 5 and Article 6 of this Agreement, the employed persons sent from Korea to Slovenia shall be covered by the health insurance and accidents at work and occupational diseases insurance at the time of their employment in Slovenia.
2. To any employed persons referred in paragraph 1 of this Article who are not covered by the health insurance and accident at work and occupational diseases insurance, paragraph 1 of Article 5 shall be applied.

Part III
Provisions on Benefits

Article 11
Totalization of periods of Coverage and Calculation of Pensions

1. When periods of coverage have been completed under the legislation of the two Contracting Parties, the Agency of each Contracting Party shall, in determining eligibility for benefits under the legislation which it applies, take into account, if necessary, periods of coverage under the legislation of the other Contracting Party provided that such periods of coverage do not overlap with periods of coverage under its legislation.
2. If the legislation of one Contracting Party subordinates the granting of certain benefits to the condition that the periods of coverage are to be

completed in a given occupation, only periods of coverage completed or recognized as equivalent in the same occupation under the legislation of the other Contracting Party shall be totalized for admission to entitlement to these pensions.

3. The calculation of the pension shall be determined by the applicable legislation of the respective Contracting Party unless otherwise provided in this Agreement.

Article 12

Special Provisions relating to Korea

1. If a person does not qualify for a benefit under the legislation of Korea solely on the basis of the periods of coverage completed under the legislation of Korea, the Agency of Korea shall take into account, for the purpose of establishing entitlement, the periods of coverage completed under the legislation of Slovenia when these periods of coverage do not coincide with the periods of coverage recognized under the legislation of Korea.
2. If a person does not qualify for a benefit on the basis of paragraph 1 of this Article, the Agency of Korea shall, as regards Korean nationals, also take into account the periods of coverage completed in third States with which Korea concluded an international agreement on social security that provides for the totalization of periods.
3. When granting the right to a benefit under paragraphs 1 and 2 of this Article, the Agency of Korea shall calculate the amount of the benefit as follows:
 - (a) it shall first calculate a theoretical amount of the benefit which would be payable if all totalized periods of coverage were completed under the legislation of Korea;
 - (b) on the basis of this theoretical amount, it shall then calculate the actual amount of the benefit which is payable according to the ratio of the period of coverage completed under the legislation of Korea and all the totalized periods of coverage;
 - (c) only periods of coverage completed under the legislation of Korea shall be used to determine the basis for the calculation of the theoretical amount of the benefit under sub-paragraph (a).

4. Lump-sum refunds shall be granted to Slovenian nationals under the same conditions as they are granted to Korean nationals. Notwithstanding Article 4 of this Agreement, lump-sum refunds shall be paid to nationals of a third State only in accordance with the legislation of Korea.
5. 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.
6. If the periods of coverage completed under the legislation of Korea in total amounts to less than 12 months, no benefit shall be granted. The foregoing shall not apply if there is entitlement to a benefit under the legislation of Korea only on the basis of that lesser periods of coverage.

Article 13

Special Provisions relating to Slovenia

1. If a person qualifies for a benefit under the legislation of Slovenia without taking into account the periods of coverage completed under the legislation of Korea, the Agency of Slovenia shall grant the benefit exclusively on the basis of the periods of coverage completed under the legislation of Slovenia.
2. If a person does not qualify for a benefit under the legislation of Slovenia solely on the basis of the periods of coverage completed under the legislation of Slovenia, the Agency of Slovenia shall take into account, for the purpose of establishing entitlement, the periods of coverage completed under the legislation of Korea when these periods of coverage do not coincide with the periods of coverage recognized under the legislation of Slovenia.
3. If a person does not qualify for a benefit on the basis of paragraph 2 of this Article, the Agency of Slovenia shall, as regards Slovenian nationals, also take into account the period of coverage completed in third States with which Slovenia concluded an international agreement on social security that provides for the totalization of periods.

4. When granting the right to a benefit under paragraphs 2 and 3 of this Article, the Agency of Slovenia shall calculate the amount of the benefit as follows:
 - (a) it shall first calculate a theoretical amount of the benefit which would be payable if all totalized periods of coverage were completed under the legislation of Slovenia;
 - (b) on the basis of this theoretical amount, it shall then calculate the actual amount of the benefit which is payable according to the ratio of the period of coverage completed under the legislation of Slovenia and all the totalized periods of coverage;
 - (c) only periods of coverage completed under the legislation of Slovenia shall be used to determine the basis for the calculation of the theoretical amount of the benefit under sub-paragraph (a).
5. If the periods of coverage completed under the legislation of Slovenia in total amounts to less than 12 months, no benefit shall be granted. The foregoing shall not apply if there is entitlement to a benefit under the legislation of Slovenia only on the basis of that lesser periods of coverage.
6. Assistance and attendance allowance and benefits for residual ability to work not payable outside Slovenia under the legislation of Slovenia shall be paid to beneficiaries only while residing in Slovenia.

Part IV

Miscellaneous Provisions

Article 14

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 each Contracting Party shall be designated in the Administrative Arrangement.

Article 15

Exchange of information and mutual assistance

1. The Competent Authorities and Agencies 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 information concerning the measures taken 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 sub-paragraph 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 14.

Article 16

Protection of Personal Data

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

Article 17

Exemption from 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 Agency 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 Agency of the other Contracting Party in the application of this Agreement or of the legislation of the other Contracting Party.
2. Documents and certificates which are presented by the Competent Authority or Agency of either Contracting Party for the application of this Agreement or of the legislation of the other Contracting Party shall be exempted from the requirements for authentication by diplomatic or consular authorities or any other similar formalities.
3. Copies of documents which are certified as true and exact copies by the Competent Authority or Agency of one Contracting Party shall be accepted as true and exact copies by the Competent Authority or Agency of the other Contracting Party, without further certification.

Article 18

Language of Communications

1. The Competent Authorities and Agencies 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 the official language of either Contracting Party or in the English language.
2. An application or document may not be rejected by a Competent Authority or Agency of a Contracting Party solely because it is in an official language of the other Contracting Party.

Article 19

Submission of Claims, Notices, or Appeals

1. Any claim, notice or appeal concerning the determination or payment of a benefit under the legislation of a Contracting Party which should, for the purposes of that legislation, have been filed within a prescribed period with a Competent Authority or Agency of that Contracting Party, but which is instead filed within the same period to a Competent Authority or Agency of the other Contracting Party, shall be considered to have been filed on time with the Competent Authority or Agency of the first Contracting Party.

2. If, after the entry into force of this Agreement, a person files a written application for benefits with the Agency of a Contracting Party under the legislation of that Contracting Party, and if that person has not explicitly requested that the application be restricted to benefits under the legislation the application shall also protect the rights of that person to corresponding benefits under the legislation of the other Contracting Party, provided that the person at the time of application:
 - (a) is entitled on age grounds to lodge 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 coverage have been completed under the legislation of the other Contracting Party.However, the foregoing shall not apply if the applicant explicitly requests that the application be restricted to benefits under the legislation of the first Contracting Party.

3. In any case to which paragraph 1 or 2 of this Article applies, the Competent Authority or Agency to which the claim, notice or appeal has been submitted shall indicate the date of receipt of the document and forward it without delay to the Authority or Agency of the other Contracting Party.

Article 20

Payment of benefits

1. The Agency of a Contracting Party may pay benefits in accordance with this Agreement in the currency of that Contracting Party.

2. 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 the territory of 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.
3. The Agency shall pay benefits directly to the beneficiary or his or her designee.

Article 21
Resolution of Disagreement

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

Part V
Transitional and Final Provision

Article 22
Transitional Provisions

1. Any period of coverage completed before the date of entry into force of this Agreement, and any other relevant events that occurred before the date, shall be taken into consideration in determining the right to a benefit under this Agreement. However, the Agency of neither Contracting Party shall be required to take into account periods of coverage which occurred prior to the earliest date for which periods of coverage may be credited under its legislation.
2. This Agreement shall not establish any right to receive payment of a benefit for any period before the date of the entry into force of this Agreement.
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 in such benefits results solely from the provisions of this Agreement. If the new determination under the preceding sentence of this paragraph results in entitlement to a lesser amount of pension than 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 Article 6 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 the date of entry into force of this Agreement.
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 23

Entry into Force

This Agreement shall enter into force on the first day of the third month following the month in which each Contracting Party shall have received from the other Contracting Party written notification that it has complied with all requirements for the entry into force of this Agreement.

Article 24

Period of Duration and Termination

1. This Agreement shall remain in force and effect until the last day of the twelfth month following the month in which written notice of its termination is given by either Contracting Party to the other Contracting Party.
2. If this Agreement is terminated, rights regarding entitlement to or payment of benefits acquired under it shall be retained. Any claim filed, but not determined, before the termination of this Agreement, shall be determined in accordance with the provisions of this Agreement.

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

DONE in duplicate at Seoul, on the twentieth day of February 2018, in the Korean, Slovenian 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 SLOVENIA