**AGREEMENT ON SOCIAL SECURITY BETWEEN**
**THE GOVERNMENT OF THE REPUBLIC OF KOREA**
**AND**
**THE GOVERNMENT OF THE REPUBLIC OF CHILE**

 The Government of the Republic of Korea and the Government of the Republic of Chile (hereinafter referred to as "the Contracting Parties");

 Being desirous of regulating the relationship between their two countries in the field of social security, and in particular, setting liability for contributions;

 Being desirous of promoting the welfare of people moving between their respective territories or working there;

 Have agreed as follows:

**Part I**

**General Provisions**

**Article 1**

**Definitions**

1. For the purpose of this Agreement, the following definitions shall apply:

 (a) "country or territory" means, as regards the Republic of Korea (hereinafter referred to as "Korea") the territory of Korea, and as regards the Republic of Chile (hereinafter referred to as "Chile"), the scope of application of the Political Constitution of the Republic of Chile;

 (b) "national" means, as regards Korea, a national of Korea as defined in the Nationality Law, and as regards Chile anyone who is declared as such by its Political Constitution;

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

 (d) "employed person" means as regards Korea a person who, in the applicable legislation, comes within the definition of an employed person, and as regards Chile, any person who is at the service of an employer under a subordination and dependence relationship, as well as a person considered as such by the applicable regulations;

 (e) "self-employed person" means as regards Korea, a person who, in the applicable legislation, comes within the definition of a self-employed earner or of self-employed person or is treated as such, and as regards Chile, any person who performs a gainful activity on his own account;

 (f) "Competent Authority" means, as regards Korea, the Minister of Health and Welfare, and as regards Chile, the Minister of Labour and Social Security;

 (g) "Liaison Agency" means the body in charge of coordinating the application of the Agreement between the Competent Institutions;

 (h) "Competent Institution" means as regards Korea, the National Pension Service, and as regards Chile, the entity in charge of the application of the legislation in regard to the scope of application of this Agreement, as defined in Article 2,

 (i) "ordinarily resident" means, as regards Korea, a person who habitually resides in accordance with the applicable regulations of Korea, and as regards Chile, domiciled in the terms defined by the internal legislation.

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 legislation concerning:

 (a) as regards Korea, the National Pension;

 (b) as regards Chile;

 (i) the old age, disability and survivorship pension system based on individual capitalization, and

 (ii) the old age, disability and survivorship pension schemes administered by the Social Security Institute.

2. Unless otherwise provided in this Agreement, 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 Party, or legislation promulgated for their specific implementation.

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

**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.

**Article 4**

**Equal Treatment**

 Any person who is or was subject to the legislation of either Contracting Party shall, while in the territory of the other Contracting Party, have the same rights and obligations (by virtue of the legislation of the other Contracting Party), as a national of that Contracting Party, subject to special provisions of this Agreement.

**Part II**

**Provisions on Coverage**

**Article 5**

**General Provisions**

 Except as otherwise provided in this Agreement, a person employed within the territory of one Contracting Party shall, with respect to that employment, be subject only to the legislation of that Contracting Party.

**Article 6**

**Self-employed Persons**

 A person who ordinarily resides in the territory of a Contracting Party and who is engaged in self-employment in the territory of the other Contracting Party or in the territory of both Contracting Parties shall, in respect of that self-employment, be subject only to the legislation in regard to liability for contributions of the first Contracting Party.

**Article 7**

**Detached Workers**

1. Where a person who is employed by an employer having a registered office in the territory of one Contracting Party is detached by that employer to work in the territory of the other Contracting Party, only the legislation of the first Contracting Party shall continue to apply with regard to that employment during the five years as if the employee were employed in the territory of the first Contracting Party. This paragraph shall also apply to a person who has been detached by his or her employer 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 shall continue to apply for up to two years, provided that the Competent Authorities or Liaison Agencies of the Contracting Parties give their consent. This extension shall be granted only once.

**Article 8**

**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 Contracting Party whose flag the vessel flies.

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 enterprise by which the person is employed has its head office. If, however, the enterprise has a branch or permanent representation in the territory of the other Contracting Party, such a person employed by that branch or representation and not subject to Article 7 shall be subject to the legislation of the Contracting Party in the territory of which it is located.

**Article 9**

**Members of Diplomatic Mission 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. Public officials and assimilated staff of one of the Contracting Parties, that, in exercise of their duties, are deployed into the territory of the other Contracting Party, are subject to the legislation in regard to liability for contributions of the Contracting Party whose administration they serve.

3. Subject to paragraphs 1 and 2, where a person is employed in a diplomatic mission or consular post of one Contracting Party in the territory of the other Contracting Party, or in the private service of an official of such mission or post, the legislation of the latter Contracting Party concerning liability for contributions shall apply to him or her as if he or she were employed in its territory.

**Article 10**

**Provisions on Exception**

1. The Competent Authorities or Liaison Agencies of the Contracting Parties may agree to grant an exception to the provisions of 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.

2. Notwithstanding Article 4 of this Agreement, payment of lump-sum refunds under the legislation of Korea shall be decided in accordance with the legislation of Korea.

**Part III**

**Miscellaneous Provisions**

**Article 11**

**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 and the Competent Institutions of the Contracting Parties shall be designated by the Competent Authorities in the Administrative Arrangement.

**Article 12**

**Exchange of Information**

 The Competent Authorities or Liaison Agencies of the Contracting Parties shall, within the scope of their respective authorities:

 (a) Communicate to each other any information necessary for the application of this Agreement and for the implementation of the legislation to which this Agreement applies;

 (b) Communicate to each other as soon as possible, information concerning the measures taken by them for the application of this Agreement and any changes in their respective legislation, which may affect the application of this Agreement.

**Article 13**

**Confidentiality of Information**

 Unless disclosure is 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 Liaison Agency of that Contracting Party by the Competent Authority or Liaison Agency of the other Contracting Party shall be used exclusively for purposes of implementing this Agreement and the legislation to which this Agreement applies. Such information received by a Competent Authority or Liaison Agency 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 14**

**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 Liaison 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 Liaison Agency of the other Contracting Party in the application of this Agreement.

2. Documents and certificates which are presented by the Competent Authority or Liaison Agency of either Contracting Party for purposes of this Agreement shall be exempted from requirements for authentication, by diplomat or consular authorities.

3. Copies of documents which are certified as true and exact copies by the Competent Authority or Liaison Agency of one Contracting Party shall be accepted as true and exact copies by the Competent Authority or Liaison Agency of the other Contracting Party, without further certification.

**Article 15**

**Language of Communications**

 The Competent Authorities and Liaison Agencies of the Contracting Parties may correspond directly with each other and 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 in English.

**Article 16**

**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. If a disagreement cannot be solved through negotiation, the Contracting Parties will endeavour to settle the issue through arbitration, mediation, or other mutually agreed procedure, whose composition and rules of procedure shall be determined by agreement between the Contracting Parties.

**Part IV**

**Transitional and Final Provisions**

**Article 17**

**Review**

 Both Contracting Parties shall enter into discussion with a view to reviewing this Agreement within three years after entry into force of this Agreement on the request by either Contracting Party.

**Article 18**

**Transitional Provisions**

 In applying Article 7 to cases 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.

**Article 19**

**Entry into Force**

 This Agreement shall enter into force on the first day of the third month from the date of the last written notification whereby one Contracting Party informs the other Contracting Party that it has complied with all its internal requirements necessary for the entry into force of this Agreement.

**Article 20**

**Period of Duration and Termination**

 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.

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

 DONE in duplicate at Santiago on the 22nd day of April 2015, in Korean, Spanish and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF FOR THE GOVERNMENT OF

THE REPUBLIC OF KOREA THE REPUBLIC OF CHILE