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

The Government of the Republic of Korea and the Government of the Republic of Finland(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 Finland (hereinafter referred to as "Finland"), a Finnish national within the meaning of the Nationality Act;

(b) “Legislation” means the laws and regulations specified in Article 2 of this Agreement;

(c) “Competent Authority” means, as regards Korea, the Ministry of Health and Welfare, and as regards Finland, the Ministry of Social Affairs and Health;

(d) “Competent Institution” means, as regards Korea, the National Pension Service, and as regards Finland, the institutions or agencies responsible for the application of the legislation specified in Article 2;

(e) “Liaison agency” means the institution or body designated as such in the Administrative Arrangement for the implementation of this Agreement.

(f) “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;

(g) “Benefit” means any benefit 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.

**Article 2**

**Material Scope**

1. This Agreement shall apply to the legislation concerning:

  (a) as regards Korea,

   (i) the National Pension, and

    (ii) with regard to Part II only, the Employment Insurance;

  (b) As regards Finland,

(i) the Earnings-Related Pension Scheme.

(ii) with regard to Part II only, the Unemployment Insurance.

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 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 or 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 specified in Article 2, and to the dependants and survivors of such a person within the meaning of the applicable legislation of that Contracting Party.

**Article 4**

**Equal Treatment**

Unless otherwise provided in this Agreement, any person described in Article 3 to whom this Agreement applies, 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 with respect to their rights derived from the persons specified in this paragraph.

**Article 5**

**Export of Benefits**

1. 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.

2.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 Concerning the Applicable Legislation**

**Article 6**

**General Provisions**

Except as otherwise provided in this Part, an employed or 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.

**Article 7**

**Special Provisions**

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 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. Where a person who is covered under the legislation of one Contracting Party and who ordinarily works as a self-employed person in the territory of that Contracting Party works temporarily as a self-employed person in the territory of the other Contracting Party, that person shall be subject only to the legislation of the first Contracting Party as if that person were working in the territory of the first Contracting Party, provided that the period of the self-employed activity in the territory of the other Contracting Party is not expected to exceed sixty calendar months.

3. In case the detachment employment or self-employed activity in the territory of the other Contracting Party continues beyond the period specified in paragraph 1or 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 or Competent Institutions of both Contracting Parties or the institutions designated by them consent upon the request of the self-employed person or the joint request of the employee and the employer.

**Article 8**

**Mariners and Aircraft Crew**

1. Nothing in this Agreement shall affect the applicable legislation of either Contracting Party for a person who is employed as an officer or member of a crew on a ship.

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 he or she is employed has its head office. If, however, the enterprise 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 shall be subject to the legislation of the Contracting Party in the territory of which the branch or representation is located.

**Article 9**

**Members of Diplomatic Mission, 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, where a civil servant of the Government of a Contracting Party is sent to work in the territory of the other Contracting Party, that person shall remain subject to the legislation of the first Contracting Party as if that person were working in the territory of that Contracting Party. This paragraph shall also apply to a person treated as a civil servant in accordance with the legislation of a Contracting Party provided that the person was covered under the social security system of that Contracting Party immediately prior to the commencement of the service.

**Article 10**

**Exceptions**

The Competent Authorities of the Contracting Parties or the institutions 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.

**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 Competent Institution 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. To obtain a disability or survivors benefit, the requirement of the Korean legislation that a person be covered under the Korean legislation when the insured event occurs shall be considered to have been met if the person is covered for a benefit under the legislation of Finland during a period in which the insured event occurs according to the legislation of Korea.

2. Where periods of coverage under the legislation of Finland are taken into account to establish eligibility for benefits under the legislation of Korea in accordance with paragraph 1 and 2 of Article 11and paragraph 1 of this Article, the benefit due shall be determined as follows:

1. The Competent Institution of Korea shall first compute a pension amount equal to the amount that would have been payable to the person if all the periods of coverage taken into account under the legislation of the two Contracting Parties had been completed under the legislation of Korea. To determine the pension amount, the Competent Institution of Korea shall take into account the person's average standard monthly income while covered under the legislation of Korea.

 (b) The Competent Institution of Korea shall calculate the partial benefit to be paid in accordance with the legislation of Korea based on the pension amount calculated according to the preceding subparagraph, in proportion to the ratio between the duration of the periods of coverage taken into consideration under its own legislation and the total duration of the periods of coverage taken into consideration under the legislation of the two Contracting Parties.

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

4.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.

**Article 13**

**Special Provisions relating to Finland**

1. When periods of coverage have been completed under the legislation of the two Contracting Parties, the Competent Institution in Finland shall, in determining eligibility for benefits under the legislation which it applies, take into account, if necessary, periods of coverage completed under the legislation of Korea, provided that such periods of coverage do not overlap with periods of coverage under its legislation.

2. Where the person concerned satisfies the conditions mentioned in paragraph 1 of this Article, the Competent Institution shall calculate the amount of the benefit solely and directly on the basis of the periods of coverage completed under the legislation it administers.

3. The Competent Institution that grants the benefits referred to in paragraph 2 of this Article shall take exclusively into account the earnings received by the person concerned in its territory.

**Part IV**

**Miscellaneous Provisions**

**Article 14**

**Administrative Arrangement**

The Competent Authorities of the Contracting Parties shall conclude an Administrative Arrangement that sets out the measures necessary and designates the liaison agencies for the implementation of this Agreement.

**Article 15**

**Exchange of Information and Mutual Assistance**

1. The Competent Authorities and Competent Institutions 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, as soon as possible, information concerning the measures taken by them 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 13.

**Article 16**

**Data Protection**

1. Information about an individual which is transmitted in accordance with this Agreement to the Competent Authority, the Competent Institution or the liaison agency of one Contracting Party by the Competent Authority, the Competent Institution or the 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 and shall be managed confidentially.

2. Information about an individual received in accordance with this Agreement shall be governed by the national law of the receiving 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, Competent Institution or the 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, Competent Institution or the liaison 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, Competent Institution or the liaison 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, Competent Institution or the liaison agency of one Contracting Party shall be accepted as true and exact copies by the Competent Authority, Competent Institution or the liaison agency of the other Contracting Party, without further certification.

**Article 18**

**Language of Communication**

1. The Competent Authorities and Competent Institutions and liaison agencies of the Contracting Parties may communicate 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, in English or in the official language of either Contracting Party.

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

**Article 19**

**Claims for Benefits**

1. Any claim for benefits shall be submitted in accordance with the provisions of the Administrative Arrangement to be concluded in pursuance of Article 14.

2. If, after the entry into force of this Agreement, a person files a written application for benefits with the Competent Institution or the liaison 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 that 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.

3. The increase for delay in accordance with the legislation of Finland is not payable until the liaison agency in Finland has received the application.

**Article 20**

**Submission of Claims, Declarations and Appeals**

Any claim, declaration or appeal which should have been submitted, in order to comply with the legislation of a Contracting Party, within a specified period to a Competent Authority, Competent Institution or the liaison agency of that Contracting Party shall be admissible if it is submitted within the same period to a corresponding Competent Authority, Competent Institution or the liaison agency of the other Contracting Party. In such a case the Competent Authority, Competent Institution or the liaison agency receiving the claim, declaration or appeal shall indicate the date of receipt of the document and forward it without delay to the Competent Authority, Competent Institution or the liaison agency of the former Contracting Party either directly or through the liaison agency of the other Contracting Party. The date on which such claim, declaration or appeal was submitted to the Competent Authority, Competent Institution or the liaison agency of the other Contracting Party shall be considered as the date of its submission to the Competent Authority, Competent Institution or the liaison agency which shall investigate it.

**Article 21**

**Payment of Benefits**

1. The Competent Institution 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.

**Article 22**

**Settlement of Disputes**

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

2.If any such disagreement cannot be resolved in this matter, it shall be settled by diplomatic channels between the Contracting Parties.

**Part V**

**Transitional and Final Provisions**

**Article 23**

**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 that date, shall be taken into consideration in determining the right to a benefit under this Agreement. However, the Competent Institution 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 no entitlement or entitlement to a lesser amount of pension 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 7 in case of persons who were sent to a Contracting Party or who worked as self-employed person in a Contracting Party prior to the date of entry into force of this Agreement, the periods of employment and self-employed activityreferred to in that Article shall be considered to begin on the date of entry into force of this Agreement.

6. The provisions of PartIII shall only apply to benefits for which an application is filed on or after the date this Agreement enters into force.

**Article 24**

**Review**

1. This Agreement shall be subject to review by the Contracting Parties at the request of one Contracting Party.

2. No later than 10 years after this Agreement has entered into force, the Contracting Parties shall jointly review, if the Agreement should be amended to ensure the fullest possible social security coverage for nationals of both Contracting Parties, who are or have been covered by the social security systems in both Contracting Parties

**Article 25**

**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 26**

**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. The Contracting Parties shall make arrangements dealing with rights in the process of being acquired.

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

DONE in duplicate at Seoul on 9th September 2015, in the Korean, Finnish, and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

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| FOR THE GOVERNMENT OF  THE REPUBLIC OF KOREA | FOR THE GOVERNMENT OF  THE REPUBLIC OF FINLAND |