

**AGREEMENT ON SOCIAL SECURITY BETWEEN  
THE REPUBLIC OF KOREA AND  
THE ARGENTINE REPUBLIC**

The Republic of Korea and the Argentine Republic, hereinafter referred to as the Contracting Parties,

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

Have agreed to the following:

**Part I**  
**General provisions**

**Article 1**  
**Definitions**

1. For the purpose of this Agreement, the term:
  - (a) “Korea” means the Republic of Korea; the term “Argentina” means the Argentine Republic;
  - (b) “National” means as regards Korea, a national of Korea as defined in the Nationality Law, and as regards Argentina, a person of Argentine nationality;
  - (c) “Legislation” means the laws and regulations specified in Article 2 of this Agreement;
  - (d) “Competent Authority” means as regards Korea, the Ministry of Health and Welfare, and as regards Argentina, the Ministry of Health and Social Development or the organization that might take over its competences in the future;
  - (e) “Agency” means as regards Korea, the National Pension Service, and as regards Argentina, the organization or institution in charge of enforcing the legislation mentioned in Article 2 of this Agreement;
  - (f) “Liaison Agency” means the institutions designated by Competent Authorities which are in charge of the coordination and the exchange of information between Agencies involved in the application of the Agreement;

(g) “Period of coverage” means any period of contributions that has been recognized and completed under the legislation of a Contracting Party, as well as any other period acknowledged as equivalent to a period of coverage by that legislation;

(h) “Benefit” means any cash 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:

(a) as regards Korea, the legislation concerning:

(i) National Pension

(ii) with regard to Part II only, Employment Insurance, National Health Insurance, and Industrial Accident Compensation Insurance.

(b) as regards Argentina, the legislation concerning:

(i) the contributory social security benefits arising from old age, disability and survival contingencies, which are administered by national organizations, provincial organizations of public employees or professionals, municipal organizations, and retirement insurance companies, and

(ii) with regard to Part II only,

- Social Security of employees;

- Social Security of self-employed workers

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 State, or any 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 only apply to the laws or regulations which extend existing schemes to new groups of beneficiaries, or to laws or regulations which create new social security schemes, provided that there is no opposition from either of the Contracting Parties. This opposition from one Contracting Party should be notified to the other Contracting Party within six months from the date on which one Contracting Party informs the other Contracting Party of such new laws or regulations.

### **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.

### **Article 4**

#### **Equal Treatment**

Unless otherwise provided in this Agreement, the persons referred to in Article 3 shall have the obligations and be entitled to the rights foreseen in the legislation of each Contracting Party under the same conditions as nationals of that Contracting Party.

### **Article 5**

## **Export of Benefits**

1. Unless otherwise provided in this Agreement, a benefit acquired under the legislation of one of the Contracting Parties shall not be subject to any reduction, modification, suspension, withdrawal or confiscation due to the fact that the recipient resides or stays temporarily in the territory of the other Contracting Party.

2. Benefits acknowledged under this Agreement to beneficiaries that live within the territory of a third State, shall be effective in the same conditions and time frame as those available to nationals dwelling in that third State.

## **Part II**

### **Applicable Legislation**

#### **Article 6**

##### **General Provisions**

Except as otherwise provided in this Part, any 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**

##### **Detached Workers**

### **1. Employees**

(a) Whenever a person in the service of an employer with 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 as though the employee were still employed in the territory

of the first Contracting Party, provided that the expected term of the appointment does not exceed 36 months including the holiday leaves for this calculation.

(b) This paragraph shall also apply to a worker who has been sent by his/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.

(c) In case the detachment continues beyond the 36 months specified in paragraph 1 of this Article due to unpredictable and well grounded motives, the Competent Authorities or the Agencies designated by the Authorities may agree that the employee remains subject to the legislation of the first Contracting Party. This extension agreement, however, will not apply for periods in excess of 24 months. Consent for the extension should be requested before the expiration of the initial 36 months.

(d) The detachment shall be granted only once for the same employer and employee.

## **2. Independent workers**

(a) Independent workers residing in the territory of one of the Contracting Parties who temporarily undertake similar independent professional duties in the territory of the other Contracting Party for a period of no more than 36 months, will continue to be subject to the legislation of the first Contracting Party.

(b) If said individual continues to exercise his/her profession beyond the mentioned term due to unpredictable and well grounded motives, the Competent Authorities or the Agencies designated by the Authorities may agree that the independent worker remains subject to the legislation of the first Contracting Party. This extension agreement, however, will not apply for periods in excess of 24 months. Consent for the extension should be requested before the expiration of the initial 36 months.

(c) The detachment shall be granted only once.

## **Article 8**

### **Special Provisions for Detached Workers**

1. Before the workers are detached from a Contracting Party as provided for Article 7, the workers shall be insured by health insurance covering medical expenses for them and their dependants and work injury insurance for them during their stay in the other Contracting Party.
2. To any detached workers who are not covered by these insurances, Article 6 shall apply, and the worker will be subject to the legislation of the Contracting Party where the duties or work are being carried out.

## **Article 9**

### **Maritime Workers**

1. A person who, but for this Agreement, would be subject to the legislation of the two Contracting Parties with respect to employment as an officer or a member of a crew on a ship shall be subject only to the legislation of the Contracting Party where the person resides. When the circumstances of the previous sentence do not apply, the person who is an officer or a member of a crew on a ship that flies the flag of a Contracting Party shall be subject to the legislation of that Contracting Party.
2. Employees who carry out duties related to cargo loading and unloading, ship repairs and port surveillance will be subject to the legislation of the Contracting Party where the port is located.

## **Article 10**

### **Air Crew**

1. A person employed as a 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 where the employer has its head office.

2. If, however, the enterprise has a branch or permanent representative office in the territory of the other Contracting Party, a person employed by that branch or representative office shall be subject to the legislation of the Contracting Party where the branch or representative office is located.

## **Article 11**

### **Diplomatic Missions, Consular Officers 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. Whenever a diplomatic mission or consular office of one of the Contracting Parties hires a person who is subject to the legislation of the other Contracting Party, the diplomatic mission or consular office must heed the obligations ruling for employers in the legislation of the second Contracting Party.

3. Civil servants 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 of the Contracting Party whose administration they serve.

4. The administrative and technical staff, and members of the household service of diplomatic missions and consular offices in each of the Contracting Parties who are nationals of the sending Party and are not public officials, may choose within 6 months from the beginning of the employment or the entry into force of this Agreement to be subject to the legislation of any of the Contracting Parties.



**Article 12**  
**Exceptions**

The Competent Authorities of the two Contracting Parties or the Agencies designated by the Authorities may jointly agree to establish, in the interest of particular persons or categories of persons, exceptions or modify those foreseen in this Part.

**Part III**  
**Provisions on Benefits**

**Article 13**  
**Totalization of Periods of Coverage**

When a person has successively or alternatively completed periods of coverage in both Contracting Parties, the Agency of each Contracting Party shall take into consideration, if necessary, periods of coverage fulfilled in agreement with the legislation of the other Contracting Party for the purposes of the acquisition, preservation or recovery of the right to benefits in agreement with its own legislation, provided that these periods do not overlap.

**Article 14**  
**Specific Conditions for the Acknowledgement of Rights to Benefits**

Where the legislation of one Contracting Party makes the granting of certain benefits regulated by this Part conditional upon the fact that the worker has been subject to the legislation of that Contracting Party at the time in which the event that triggered the benefit occurred, this condition should be considered to be fulfilled if the worker was, at that time, insured under the legislation of the other Contracting Party.

**Article 15**  
**Calculation of Benefits**

When a person has been subject to the legislation of both Contracting Parties, benefits shall be awarded under the following conditions:

1. If the requirements for access to benefits are fulfilled under the conditions established by one or both of the Contracting Parties, each Agency shall apply its own legislation taking into account only the periods of coverage fulfilled in agreement with their own legislation.

2. If, in agreement with the legislation of a Contracting Party, access to benefits can only be acquired if periods of coverage under the legislation of the other Contracting Party are also taken into consideration, the Agency of the first Contracting Party shall take into account the periods of coverage fulfilled under the legislation of the other Contracting Party and:

(a) shall proceed to calculate the theoretical amount of benefits as if all periods of coverage had been fulfilled under its own legislation, and

(b) taking into account this theoretical amount calculated as stipulated in paragraph (a), it shall establish the actual amount of the benefit that should be paid, applying a percentage that will be in proportion to the length of periods of coverage under its own legislation and the total periods of coverage.

(c) For Argentina exclusively, if the total periods of coverage exceeds the minimum period required to obtain a full benefit, the Agency of the Contracting Party shall take into account not the total periods of coverage but this minimum period of coverage for the calculation of the benefit.

**Article 16**  
**Regime for Specific Activities**

1. Where the legislation of one Contracting Party makes the granting of

certain benefits conditional upon the periods of coverage having been fulfilled in a specific profession or occupation, periods fulfilled under the legislation of the other Contracting Party shall only be taken into consideration to award the benefits in case they were fulfilled in an equivalent profession or occupation.

2. If the aggregation of periods of coverage does not create eligibility to a benefit within the specific scheme, these periods of coverage shall be aggregated within the general scheme of insurance.

## **Article 17**

### **Determination of Disability**

1. In order to determine a reduction in the percentage of the labour capacity or a disability condition for the purposes of awarding the corresponding disability benefits, the Agency of each Contracting Party shall carry out an evaluation, in agreement with the legislation that it applies in its own country.

2. For the purposes of applying the provisions featured in the preceding paragraph, the Agency of the Contracting Party in whose territory the potential beneficiary resides, shall furnish all medical reports and documents available to the Agency of the other Contracting Party for free, upon request.

3. At the request of the Agency of the Contracting Party whose legislation is being applied, the Agency of the Contracting Party in whose territory the potential beneficiary resides, shall carry out free of charge all necessary medical examinations to evaluate the condition of this potential beneficiary. Expenses of medical examinations which are carried out at the exclusive interest of the first of the above mentioned agencies must be afforded by it, under the terms agreed in the Administrative Agreement mentioned in Article 20.

## **Article 18**

### **Special Provisions relating to Korea**

1. Lump-sum refunds shall be granted to nationals of Argentina under the same conditions as they are granted to Korean nationals. However, lump-sum refunds shall be paid to nationals of a third State in accordance with the legislation of Korea.

2. 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 19**

#### **Special Provisions relating to Argentina**

1. Persons who receive a life time pension under the previously existing capitalization scheme shall be able to invoke the provisions of this Agreement in order to seek the totalization of other services in the other Contracting Party.

2. Where, for establishing entitlement to a benefit, the Argentine legislation requires that a determined period of coverage has been completed during a certain period of time immediately prior to the occurrence of the event giving rise to that benefit, this condition shall be deemed to be fulfilled if that determined period of coverage is completed during that period of time immediately prior to establishing entitlement to benefits under the Korean legislation.

3. Reduction, suspension or suppression clauses included in the Argentine legislation in the case of pensioners who work shall be applied to them even when the said work takes place in Korea.

### **Part IV**

#### **Miscellaneous Provisions**

## **Article 20**

### **Administrative Arrangement and Collaboration**

1. The Competent Authorities of the Contracting Parties shall:
  - (a) Conclude and eventually modify the Administrative Arrangement(s) that sets out the measures necessary for the implementation of this Agreement;
  - (b) Designate the respective Liaison Agencies;
  - (c) Communicate the domestic measures that may have an impact on the application of this Agreement;
  - (d) Inform the Competent Authority of the other Contracting Party, at their request, of any changes of legislation mentioned in Article 2.
  
2. The Competent Authorities and Agencies of both Contracting Parties, within the scope of their respective authorities, shall provide any assistance necessary for the implementation of this Agreement.
  
3. The assistance referred to in paragraph 2 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 this Article.

## **Article 21**

### **Confidentiality of Information**

Unless otherwise required by the national laws of a Contracting Party, information about an individual that 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. Any information received by a Competent Authority or Agency of a Contracting Party shall be governed by the national laws of that Contracting Party for the protection of privacy and confidentiality of personal data.

## **Article 22**

### **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, this exemption shall also apply to corresponding documents which are submitted to the Competent Authority or Agency of the other Contracting Party in the enforcement of this Agreement.
2. Documents and certificates which are presented by the Competent Authority or the Agency of either Contracting Party for the purposes of this Agreement shall be exempted from 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 an Agency of one Contracting Party shall be accepted as true and exact copies by an Agency of the other Contracting Party, without further certification.

## **Article 23**

### **Language of Communications**

1. The Competent Authorities and Agencies of the Contracting Parties may communicate directly with one another as well as with any person, wherever that person may reside, whenever it is necessary to do so for the enforcement of this Agreement. The correspondence may be made in any official language of either Contracting Party or in English.
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 24**

### **Submission of Claims, Notice, or Appeals**

1. Any claim, notice or appeal concerning the determination or payment of a benefit which, under the legislation of a Contracting Party, should have been presented within a prescribed period to a Competent Authority or Agency of that Contracting Party, but which is presented within the same period to a Competent Authority or Agency of the other Contracting Party, shall be treated as if it had been presented to 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 that person has not explicitly requested that the application be restricted to benefits foreseen under that legislation, the application shall also protect the rights of that person to access any benefits foreseen 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) Asks for the requests to be considered as an application under the legislation of the other Contracting Party; or
- (c) Provides information indicating that periods of coverage have been fulfilled under the legislation of the other Contracting Party.

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

## **Article 25**

## **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 other 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 26**

### **Settlement of Disputes**

Any disagreement regarding the interpretation or enforcement of this Agreement shall be resolved by way of negotiations between the Competent Authorities of the Contracting Parties.

## **Part V**

### **Transitional and Final Provisions**

## **Article 27**

### **Transitional Provisions**

1. This Agreement shall not establish any right to payment of a benefit for any period before the date of the entry into force of this Agreement.
2. However, in determining the right to a benefit under this Agreement, any period of coverage fulfilled 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 line with what is established in this Agreement. Neither



Contracting Party's Agency 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.

3. Benefits acknowledged or refused before the entry into force of this Agreement may be newly determined upon application, at the request of an interested person, in line with its provisions.

4. Determinations concerning entitlement to benefits which were made before the entry into force of this Agreement shall not affect rights arising under it.

5. In applying Article 7 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 have begun after the date of entry into force of this Agreement upon the submission of the proper application to the Agency.

## **Article 28**

### **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 has received from the other Contracting Party written notice through diplomatic channels that it has complied with all requirements for the entry into force of this Agreement.

However, it shall only come into effect between the Contracting Parties once the Administrative Arrangement is signed by their representatives.

## **Article 29**

### **Period of Duration and Termination**

1. This Agreement shall remain in force for an indefinite period. The Contracting Parties may, at any time, terminate this Agreement by means of a written notice communicated through diplomatic channels, 12 months in advance of the termination date.

2. In case of termination of this Agreement, 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 .....(place) on .....(date), in the Korean, Spanish 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 ARGENTINE REPUBLIC