

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

The Government of the Republic of Korea and the Government of the Kingdom of Norway (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) “territory” means, as regards the Republic of Korea (hereinafter referred to as “Korea”), the territory of Korea; and, as regards the Kingdom of Norway (hereinafter referred to as “Norway”), the territory of Norway, including Svalbard and Jan Mayen;
  - (b) “Norwegian continental shelf” means the seabed and subsoil of the submarine areas that extend beyond the territorial sea of Norway throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance;
  - (c) “national” means, as regards Korea, a national of Korea as defined in the Nationality Law, as amended, and, as regards Norway, a national of Norway as defined in the Norwegian Nationality Act;
  - (d) “legislation” means the laws and regulations specified in Article 2 of this Agreement;

- (e) “competent authority” means, as regards Korea, the Minister of Health and Welfare, and, as regards Norway, the Ministry responsible for the application of the legislation of Norway;
- (f) “agency” means, as regards Korea, the National Pension Service, and, as regards Norway, the institution which is competent according to the applicable legislation;
- (g) “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;
- (h) “benefit” means any benefit provided for in the legislation specified in Article 2 of this Agreement;
- (i) “refugee” means a refugee as defined by the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967 to that Convention;
- (j) “stateless person” means a person as defined by the Convention relating to the Status of Stateless Persons of 28 September 1954.

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 following legislation:
  - (a) as regards Korea,
    - (i) the National Pension Act, and
    - (ii) with regard to Part II only, the Employment Insurance Act, the National Health Insurance Act and the Industrial Accident Compensation Insurance Act;
  - (b) as regards Norway,

(i) the provisions of the National Insurance Act of 28 February 1997 and the regulations made thereunder concerning old age pensions, disability benefits, funeral grant and survivor's pension;

(ii) with regard to Part II only, the provisions on benefits under Chapters 4, 5, 8, 9, 13 and 14 of the National Insurance Act and under the Family Allowance Act;

(iii) the Labour and Welfare Service Act of 16 June 2006 and the regulations made thereunder.

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 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, nationals of either Contracting Party, refugees, and stateless persons, who reside in the territory of either Contracting Party shall, in the application of the legislation of a 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, a benefit 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 benefit 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 concerning the Applicable Legislation**

**Article 5**  
**General Provisions**

1. Except as otherwise provided in this Part, an 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 self-employed person who ordinarily resides in the territory of a Contracting Party and who works in the territory of the other Contracting Party or in the territories of both Contracting Parties shall, in respect of that work, be subject only to the legislation of the first Contracting Party.

3. A person who is 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. In case the detachment continues beyond the period specified in paragraph 1 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.

3. Paragraph 1 shall not apply in the case of a person who is sent from the territory of Norway to the territory of Korea unless the person is on a Norwegian payroll as determined by the legislation of Norway.

4. Notwithstanding paragraph 1 of this Article, a person who is sent by an employer having a place of business in the territory of Korea to the territory of Norway and who is subject to Korean legislation shall also be excluded from coverage and exempt, together with the employer, from contributions under all chapters of the Norwegian National Insurance Act except Chapters 5, 8, 9 and 14.

5. A person who is sent by an employer having a place of business in the territory of Norway to the territory of Korea shall be subject to Norwegian legislation, including those chapters of the Norwegian National Insurance Act referred to in Sub-paragraph 1 (b) (ii) of Article 2.

6. The spouse and children living with a person referred to in paragraph 1, shall be subject to the same legislation as the employed person, unless they themselves exercise professional activities.

## **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 is not a Norwegian national or a national of a state party to the Agreement on the European Economic Area, and only to the legislation of Norway 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 enterprise by which he or she 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 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 8**

### **Civil Servants and Members of Diplomatic Missions and Consular Posts**

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 paragraphs 1 and 4 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 the person concerned were employed in its territory.

3. Except as provided in paragraphs 1 and 2 of this Article, a person employed by the government or other public employer of a Contracting Party in the territory of the other Contracting Party shall, in respect of that employment, be subject to the legislation of the latter Contracting Party only if he or she is a national of that Contracting Party, or a national of a state which is a member of an organization for regional economic integration of which that Contracting Party is a member, or if he or she resides in its territory. In the latter case the person concerned may, however, within 6 months from the beginning of the employment, elect to be subject only to the legislation of the former Contracting Party if he or she is a national thereof.

4. Where the person referred to in paragraphs 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.

5. The provisions of this Article shall apply correspondingly to the spouse and children living with a person employed by the Government of one Contracting Party



working in the territory of the other Contracting Party, unless they themselves are subject to the legislation of that Party by reason of employment or self-employment.

#### **Article 9**

#### **Workers on the Norwegian Continental Shelf**

Articles 5 and 6 shall also apply to a person who works on an installation situated in the Norwegian continental shelf area in connection with the exploration of the seabed and sub-soil of that area or the exploitation of its mineral resources.

#### **Article 10**

#### **Modification Provision**

The competent authorities of the two Contracting Parties or the agencies designated by them 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.

### **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. Where the legislation of one Contracting Party makes the granting of certain benefits conditional upon the periods of coverage having been completed in an occupation which is subject to a special scheme, or the entitlement to benefits is subject to the condition of the periods of coverage having been completed in specific occupations or employment, periods completed under the legislation of the other Contracting Party shall only be taken into account for the granting of these benefits if these were completed under a corresponding scheme or, failing that, in a similar occupation. 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.

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

## **Article 12**

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

1. If a person has completed at least 12 months of periods of coverage under the legislation of Korea and is not eligible for old-age, survivor or disability benefits under the legislation of Korea based on periods of coverage credited exclusively under the legislation of Korea, the agency of Korea shall take into account the pension point years completed under Norwegian legislation.

2. Subject to paragraph 1 of this Article, to obtain a disability or survivors benefit, the requirement of the Korean legislation that a person be covered when the insured event occurs shall be considered to have been met if the person is covered for a benefit under the legislation of Norway during a period in which the insured event occurs according to the legislation of Korea.

3. Where periods of coverage under the legislation of Norway are taken into account to establish eligibility for benefits under the legislation of Korea in accordance

with paragraphs 1 and 2 of Article 11 and paragraphs 1 and 2 of this Article, the benefit due shall be determined as follows:

(a) the agency 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 agency of Korea shall take into account the person's average standard monthly income while covered under the legislation of Korea.

(b) the agency 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.

4. Notwithstanding Article 4, payment of lump-sum refunds to Norwegian nationals shall be decided 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.

### **Article 13**

#### **Special Provisions relating to Norway**

1. It is a requirement for the application of Article 11 that the person concerned has been insured in Norway for at least 36 months or has been insured and occupationally active in Norway for at least 12 months prior to the contingency and within the age limits which apply for pension earning according to Norwegian legislation.

2. If a person qualifies for a pension only when periods of coverage completed under the legislation of both Contracting Parties are added together, the Norwegian pension shall be determined as follows:

(a) by calculating the pension which would have been payable if the person's periods of coverage in Korea had been periods of coverage in Norway, and

(b) by multiplying the benefit arrived at by the ratio between the person's actual periods of coverage in Norway and the sum of the person's actual periods of coverage in Korea and Norway.

If the period of coverage in Norway or the sum of Norwegian and Korean periods of coverage exceeds 40 years, the years in excess shall be disregarded for the purposes of this calculation.

With regard to determining supplementary pensions, only pension point years in Norway and periods of coverage in Korea shall be taken into account. The pension point figure for the calculation of such pensions shall be determined on the basis of the person's actual pension point years in Norway in accordance with the rules for the calculation of the final pension point figure under the National Insurance Act.

3. In the case of pension to a surviving spouse or children, Norwegian or Korean periods of coverage to be taken into account must have been completed by the deceased person.

4. With regard to the reduction of the insurance period required for the calculation of a full supplementary pension for persons born before 1937, the provisions of the Norwegian legislation shall apply.

5. The special provisions governing the calculation of pensions to refugees and stateless persons shall apply only to persons residing in Norway.

6. Paragraph 2 of Article 4 shall not apply to rehabilitation benefit, basic benefit, attendance benefit, guaranteed minimum supplementary pension benefits to persons

becoming disabled at birth or at a young age, funeral grants, child care benefits and education benefits.

## **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 the Contracting Parties 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 any information necessary for the application of this Agreement as if the matter were affecting the application of their own legislation;
  - (b) assist each other with regard to the determination of entitlement to, or payment of any benefit under this Agreement, or under 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 14.

## **Article 16**

### **Confidentiality of Information**

Unless otherwise 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 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. Such information received by a competent authority or 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 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.

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.

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 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 should be made 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 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 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 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) requests that it be considered as an application under the legislation of the other Contracting Party, or
- (b) provides information indicating that periods of coverage have been completed under the legislation of the other 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 transmit 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 who reside in the territory of the other Contracting Party.

## **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 Provisions**

**Article 22**  
**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. Subject to paragraph 1 of this Article, in determining the right to a benefit under this Agreement, 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. 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.
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 was 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. 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 Oslo, on this thirteenth day of June, 2019, in the Korean, Norwegian and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF  
THE REPUBLIC OF KOREA

FOR THE GOVERNMENT OF  
THE KINGDOM OF NORWAY