

**AGREEMENT**  
**BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KOREA**  
**AND**  
**THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF**  
**VIET NAM**  
**ON SOCIAL INSURANCE**



The Government of the Republic of Korea and the Government of the Socialist Republic of Viet Nam (hereinafter referred to as the "Contracting Parties"),

Desiring to further their mutual cooperation in the field of social insurance,

Have agreed as follows:

**Part I**  
**General Provisions**

**Article 1**  
**Definitions**

1. For the purpose of this Agreement:
  - (a) "territory" means:
    - (i) as regards the Socialist Republic of Viet Nam (hereinafter referred to as "Viet Nam"), the territory of Viet Nam, and
    - (ii) as regards the Republic of Korea (hereinafter referred to as "Korea"), the territory of Korea;
  - (b) "national" means:
    - (i) as regards Viet Nam, a national of Viet Nam as defined in the Law on Nationality of Viet Nam, and
    - (ii) as regards Korea, a national of Korea as defined in the Nationality Law;
  - (c) "legislation" means the laws and regulations related to social insurance specified in Article 2 of this Agreement;
  - (d) "Competent Authority" means:
    - (i) as regards Viet Nam, the Ministry of Labour, Invalids and Social Affairs, and
    - (ii) as regards Korea, the Ministry of Health and Welfare;
  - (e) "Implementation Agency" means:
    - (i) as regards Viet Nam, the Viet Nam Social Security, and
    - (ii) as regards Korea, the National Pension Service;
  - (f) "period of coverage" means any period of paying social insurance contributions completed and recognized under the legislation of a Contracting

Party, and any other relevant period considered to be equivalent to a period of paying social insurance contributions 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 legislation specified in Article 2 of this Agreement.

## **Article 2**

### **Scope of Application**

1. This Agreement shall apply to the following legislation:

(a) as regards Viet Nam, the Law on Social Insurance related to old age benefits and survivor benefits;

(b) as regards Korea, the National Pension Act.

2. Unless otherwise provided in this Agreement, the legislation referred to in paragraph 1 of this Article shall not include any other treaties on social insurance that may be concluded between one Contracting Party and a third State, or legislation promulgated for the specific implementation of such treaties.

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 laws or regulations which extend the existing legislation of one Contracting Party to new categories of beneficiaries if, within six (6) months from the date of the entry into force of such laws or regulations, the Competent Authority of that Contracting Party notifies the Competent Authority of the other Contracting Party, in writing, that no such extension to the Agreement is intended.

## **Article 3**

### **Personal Scope**

1. This Agreement shall apply to any person who is or who has been subject to the legislation of either Contracting Party.

2. This Agreement also shall apply to the dependents and survivors of such a person in compliance with the 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 that Contracting Party regarding the eligibility for and the payment of benefits, receive equal treatment with nationals of that Contracting Party. The foregoing shall also apply to the dependents 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 due to the fact that the recipient resides or stays in the territory of the other Contracting Party, and such benefits shall be payable in the territory of that other Contracting Party.

3. Unless otherwise provided in this Agreement, any provision of the legislation of one Contracting Party which requires that entitlement to or payment of benefits is dependent on residence in the territory of that Contracting Party shall not be applicable to persons who reside in the territory of the other Contracting Party.

4. Benefits under the legislation of one Contracting Party shall be granted to the beneficiaries specified in Article 3 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**

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.

**Article 6**  
**Dispatched Workers**

1. Where an employed 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 (60) months as if the person were employed in the territory of the first Contracting Party. This paragraph shall also apply to an employee 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 dispatch 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 for an additional period of up to thirty-six (36) months if such employment continues for the same employer.

**Article 7**  
**Local Recruits**

1. When a national of one Contracting Party who temporarily resides in the territory of the other Contracting Party is employed by an employer with a place of business in that other Contracting Party and works for that employer in the territory of that other Contracting Party, only the legislation of that other Contracting Party shall apply during that employment.

2. Notwithstanding paragraph 1 of this Article, when a national of Korea is employed by an employer with a place of business in Viet Nam and works for that

employer in Viet Nam, only the legislation of Korea shall continue to apply during that employment, provided that he or she is subject to the legislation of Korea and that the duration of the employment does not exceed sixty (60) months.

### **Article 8**

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

1. This Agreement shall not affect the application of the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961 and of the Vienna Convention on Consular Relations of 24 April 1963.

2. Subject to paragraph 1 of this Article, a national 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**

#### **Exception Provision**

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

### **Part III**

#### **Provisions on Benefits**

### **Article 10**

#### **Totalization of Periods of Coverage and Calculation of Benefits**

1. When periods of coverage have been completed under the legislation of both Contracting Parties, the Implementation 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 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 benefits.

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

## **Article 11**

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

1. Where periods of coverage under the legislation of Viet Nam are taken into account to establish eligibility for benefits under the legislation of Korea, in accordance with paragraph 1 of Article 10, the benefits due shall be determined as follows:

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

(b) the Implementation 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.

2. If the total duration of the periods of coverage accumulated by a person under the legislation of Korea is less than 18 months, the Implementation Agency of Korea shall not be required to apply Article 10 of this Agreement.



3. Lump-sum refunds shall be granted to nationals of Viet Nam under the same conditions as they are granted to nationals of Korea. 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.

#### **Article 12**

##### **Special Provisions relating to Viet Nam**

1. When periods of coverage under the legislation of Korea are taken into account to determine the eligibility for benefits under the legislation of Viet Nam pursuant to paragraph 1 of Article 10, the amount of such benefits shall be calculated as follows:

- (a) the periods of coverage which count toward the pension benefits are derived from the total periods of coverage in Korea and Viet Nam, subtracting duplicate periods of coverage (if any);
- (b) the calculation of benefits shall be determined by the legislation of Viet Nam, with no discrimination;
- (c) if the total duration of the periods of coverage accumulated by a person under the legislation of Viet Nam is less than 18 months, the Implementation Agency of Viet Nam shall not be required to apply Article 10 of this Agreement.

2. Notwithstanding paragraph 1 of this Article, the periods of coverage under the legislation of Korea shall not be taken into account in determining the eligibility for survivor benefits under the legislation of Viet Nam.

3. Paragraph 2 of this Article shall not apply if the legislation of Viet Nam is revised to calculate the amount of survivor benefits.

#### **Part IV**

##### **Miscellaneous Provisions**

#### **Article 13**

##### **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 14**

### **Exchange of Information and Mutual Assistance**

1. Within the scope of their respective competence, the Competent Authorities and the Implementation Agencies of the Contracting Parties shall:
  - (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 benefits 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 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 15**

### **Confidentiality of Information**

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 the Implementation Agency of that Contracting Party by the Competent Authority or the Implementation 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 the Competent Authority or the Implementation 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 16**

### **Exemption from Certification of Documents**

1. Documents and certificates which are presented by the Competent Authority or the Implementation 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 legalization by diplomatic or consular authorities or any other similar formalities.

2. Copies of documents which are certified as true and exact copies by the Competent Authority or the Implementation Agency of one Contracting Party shall be accepted by the Competent Authority or the Implementation Agency of the other Contracting Party, without any further requirements for certification, legalization or confirmation by diplomatic or consular authorities or any other similar formalities.

## **Article 17**

### **Language of Communications**

1. The Competent Authorities and the Implementation Agencies of the Contracting Parties may correspond directly with one another, as well as with any person or his or her representatives, in the Korean, Vietnamese or English languages, wherever that person may reside, whenever it is necessary to do so for the application of this Agreement or of the legislation to which this Agreement applies.

2. An application or document may not be rejected by the Competent Authority or the Implementation Agency of a Contracting Party solely because it is in the official language of the other Contracting Party or in English.

## **Article 18**

### **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 the Competent Authority or the Implementation Agency of that Contracting Party, but which is instead filed within the same period to the Competent Authority or the Implementation

Agency of the other Contracting Party, shall be considered to have been filed on time with the Competent Authority or the Implementation 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 Implementation Agency of a Contracting Party under the legislation of that Contracting Party, 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 grounds of age 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 the Implementation 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 Competent Authority or the Implementation Agency of the other Contracting Party.

## **Article 19**

### **Payment of Benefits**

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

## **Article 20**

### **Resolution of Disagreements**

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

**Part V**  
**Transitional and Final Provisions**

**Article 21**  
**Transitional Provisions**

1. Any period of coverage completed before the date of the 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, neither Implementation Agency of a 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 the payment of benefits 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 benefits than those paid for the last period prior to the entry into force of this Agreement, the same amount of benefits as previously paid shall continue to be paid.
5. In applying Articles 6 and 7 in the case of persons who were sent to, or employed in, the territory of a Contracting Party prior to the date of the entry into force of this Agreement, the periods of employment referred to in that Article shall be considered to begin on the date of the 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 22**  
**Amendment**

This Agreement may be amended by mutual consent of the Contracting Parties. Such amendment shall enter into force in accordance with the procedure set out in Article 23 and constitute an integral part of this Agreement.

**Article 23**  
**Entry into Force**

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

2. Notwithstanding paragraph 1, the provisions of Article 4 and Part III shall only apply to the Contracting Parties if Viet Nam is capable of fulfilling the obligations set out in Articles 4, 10 and 12. In such case, Viet Nam shall give written notification, through diplomatic channels, to Korea that it shall be fulfilling such obligations. The provisions of Article 4 and Part III shall apply from the date on which Korea provides written notification to Viet Nam confirming this through diplomatic channels.

**Article 24**  
**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 to deal 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 the 14th day of December, 2021, in the Korean, Vietnamese 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 SOCIALIST REPUBLIC OF VIET NAM