

**No. 53171\***

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**Republic of Korea  
and  
Romania**

**Agreement between the Republic of Korea and Romania on social security. Seoul,  
11 September 2008**

**Entry into force:** *1 July 2010, in accordance with article 23*

**Authentic texts:** *English, Korean and Romanian*

**Registration with the Secretariat of the United Nations:** *Republic of Korea, 8 December 2015*

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

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**République de Corée  
et  
Roumanie**

**Accord sur la sécurité sociale entre la République de Corée et la Roumanie. Séoul,  
11 septembre 2008**

**Entrée en vigueur :** *1<sup>er</sup> juillet 2010, conformément à l'article 23*

**Textes authentiques :** *anglais, coréen et roumain*

**Enregistrement auprès du Secrétariat des Nations Unies :** *République de Corée, 8 décembre  
2015*

*\*Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

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

The Republic of Korea and Romania, 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 as follows:

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

**Article 1**  
**Definitions**

1. For the purpose of this Agreement:
  - (a) "national" means a person treated as such under the laws and regulations of the Contracting Parties;
  - (b) "legislation" means the laws and regulations specified in Article 2 of this Agreement;
  - (c) "competent authority" means:
    - (i) as regards the Republic of Korea, hereinafter referred to as "Korea", the Minister for Health, Welfare and Family Affairs, and
    - (ii) as regards Romania, the Ministry of Labour, Family and Equal Opportunities;
  - (d) "institution" means:
    - (i) as regards Korea, the National Pension Service, and
    - (ii) as regards Romania, the body or authority responsible for applying the legislation specified in Article 2;
  - (e) "period of insurance" 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;
  - (f) "benefit" means any benefit provided for in the legislation specified in Article 2 of this Agreement;
  - (g) "residence" means ordinary residence; and
  - (h) "stay" means temporary residence.
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, the National Pension, and
  - (b) as regards Romania, the pensions.
2. This Agreement shall apply to future legislation which amends, supplements, consolidates or replaces the legislation specified in paragraph 1 of this Article.
3. 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 legislation promulgated for their specific implementation.
4. Notwithstanding paragraph 2 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 benefits, 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 publication of such laws or regulations, that no such extension to this 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 legislation of either Contracting Party.

**Article 4**  
**Equal Treatment**

1. Unless otherwise provided in this Agreement, nationals of either Contracting Party 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 nationals 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 on Applicable Legislation**

#### **Article 5**

##### **General Provisions**

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

2. Where a person resides in the territory of one Contracting Party and is self-employed in the territory of the other Contracting Party, or in the territory of both Contracting Parties, the person shall be subject only to the legislation of the Contracting Party in whose territory that person resides.

3. Where a person is employed in the territory of one Contracting Party and is self-employed in the territory of the other Contracting Party for the same period, the person shall be subject only to the legislation of the Contracting Party in whose territory the person resides.