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**Switzerland
and
Republic of Korea**

**Agreement on social security between the Swiss Confederation and the Republic of Korea.
Bern, 20 January 2014**

Entry into force: *1 June 2015, in accordance with article 20*

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**Suisse
et
République de Corée**

**Accord de sécurité sociale entre la Confédération suisse et la République de Corée. Berne,
20 janvier 2014**

Entrée en vigueur : *1^{er} juin 2015, conformément à l'article 20*

Textes authentiques : *anglais, allemand et coréen*

Enregistrement auprès du Secrétariat des Nations Unies : *Suisse, 15 juillet 2016*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT ON SOCIAL SECURITY BETWEEN
THE SWISS CONFEDERATION
AND
THE REPUBLIC OF KOREA

The Swiss Confederation and the Republic of Korea (hereinafter referred to as the "Contracting Parties"),

Being desirous of regulating their mutual cooperation in the field of social security, of facilitating the movement of employed and self-employed persons between the Contracting Parties and, in particular, of avoiding that employed and self-employed persons are subject to compulsory coverage under the legislation of both Contracting Parties at the same time,

Have agreed as follows:

Article 1
Definitions

1. For the purpose of this Agreement:

- (a) "Legislation" means, the laws, acts and regulations specified in Article 2 of this Agreement;
- (b) "Competent Authority" means, as regards the Republic of Korea (hereinafter referred to as "Korea"), the Minister of Health and Welfare and the Minister of Employment and Labor, and as regards the Swiss Confederation (hereinafter referred to as "Switzerland"), the Federal Social Insurance Office;
- (c) "Competent Institution" means, as regards Korea, the National Pension Service, and as regards Switzerland, the competent compensation fund for old-age, survivors' and invalidity insurance;
- (d) "Liaison Body" means, as regards Korea, the National Pension Service, and as regards Switzerland, the Federal Social Insurance Office;
- (e) "Territory" means, as regards Korea, the territory of the Republic of Korea, and as regards Switzerland, the territory of the Swiss Confederation;
- (f) "National" means, as regards Korea, a national of the Republic of Korea as defined in the Nationality Law, and as regards Switzerland, a Swiss citizen.

2. Any other term not defined in this Article shall have the meaning assigned to it under the applicable legislation of the respective Contracting Party.

Article 2

Material Scope

1. This Agreement shall apply to the following legislation:

- (a) as regards Korea,
 - (i) the National Pension Act;
 - (ii) the Employment Insurance Act; and
 - (iii) the Act on the Collection, etc. of Premiums for Employment Insurance and for Industrial Accident Compensation Insurance (excluding provisions on Premiums for Industrial Accident Compensation Insurance);
- (b) as regards Switzerland,
 - (i) the Federal Law on old-age and survivors' insurance; and
 - (ii) the Federal Law on invalidity 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 State, 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 laws or regulations which extend the 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

1. This Agreement shall apply to any person who is or who has been subject to the legislation of either Contracting Party, and to his or her accompanying family members within the meaning of the applicable legislation of either Contracting Party.

2. Articles 8 and 13 shall only apply to nationals of the Contracting Parties.

Article 4
General Rule

Unless otherwise provided in this Agreement and subject to Articles 5 to 10, an employed or self-employed person who works in the territory of a Contracting Party shall, in respect of that work, be subject only to the legislation of that Contracting Party.

Article 5
Posted Workers

An employed person who is subject to the legislation of a Contracting Party and who is temporarily posted to the territory of the other Contracting Party to perform services for the same employer shall, in respect of these services, be subject only to the legislation of the first Contracting Party during the first 72 months of the posting as though these services were performed in its territory. This paragraph shall also apply to an employed person 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.

Article 6
Self-employed Persons

A self-employed person who ordinarily resides in the territory of a Contracting Party and who works for his or her own account 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.

Article 7
Public Employees

An employee of a public service or public corporation who is posted by one Contracting Party to the territory of the other Contracting Party shall be subject to the legislation of the Contracting Party which posted him.

Article 8
Mariners and Aircraft Crew

1. A national of one of the Contracting Parties who is a member of the crew of a sea-going vessel flying the flag of a Contracting Party and is a resident of either Contracting Party shall be insured in accordance with the legislation of the Contracting Party of legal residence.

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 5 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 Missions and Consular Post

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.

Article 10

Exceptions

At the joint request of an employee and his/her employer or at the request of a self-employed person, the Competent Authorities or the Competent Institutions of the two Contracting Parties may agree to grant an exception to Articles 5 to 9 with respect to particular persons or categories of persons provided that any affected person shall be subject to the legislation of one Contracting Party.

Article 11

Accompanying Family Members

1. Where in the application of Articles 5 to 10 a person remains subject to the legislation of one Contracting Party while he or she is gainfully employed in the territory of the other Contracting Party, the same shall apply to the spouse and children of this person residing with that person in the territory of the second Contracting Party, provided that they are not gainfully employed themselves in the territory of this Contracting Party.

2. Where in the application of paragraph 1 the Swiss legislation applies to the spouse and children, they shall be insured by the Swiss old-age, survivors' and invalidity insurance.

Article 12

Issue of Certificates

1. In the circumstances described in Articles 5 to 10, the Competent Institution of the Contracting Party whose legislation is to be applied shall, upon request, issue a certificate stating that the employee or self-