

No. 47973

**Austria
and
Republic of Korea**

Agreement on social security between the Republic of Austria and the Republic of Korea. Vienna, 23 January 2010

Entry into force: *1 October 2010 by notification, in accordance with article 24*

Authentic texts: *English, German and Korean*

Registration with the Secretariat of the United Nations: *Austria, 9 November 2010*

**Autriche
et
République de Corée**

Accord entre la République d'Autriche et la République de Corée sur la sécurité sociale. Vienne, 23 janvier 2010

Entrée en vigueur : *1^{er} octobre 2010 par notification, conformément à l'article 24*

Textes authentiques : *anglais, allemand et coréen*

Enregistrement auprès du Secrétariat des Nations Unies : *Autriche, 9 novembre 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

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

The Republic of Austria and the Republic of Korea (hereinafter referred to as "the Contracting States"),

Resolved to regulate the mutual relations between the two States in the field of social security,

Have agreed as follows:

Part I

General Provisions

Article 1

Definitions

1. For purposes of this Agreement,

- a) "Korea" means the Republic of Korea and "Austria" means the Republic of Austria;
- b) "legislation" means the laws, regulations and statutory instruments which relate to the branches of social security specified in Article 2 of this Agreement;
- c) "national" means, in relation to Korea, a national of Korea as defined in the Nationality Law, as amended; and, in relation to Austria, an Austrian citizen;
- d) "competent authority" means, in relation to Korea, the Minister for Health, Welfare and Family Affairs, and, in relation to Austria, the Federal Ministers responsible for the administration of the legislation of Austria;

- e) "institution" means, in relation to Korea, the National Pension Service, and in relation to Austria the institution responsible for the application of the legislation, specified in Article 2;
 - f) "competent institution" means, in relation to Korea, the National Pension Service, and, in relation to Austria, the institution competent under the applicable legislation to deal with the matter in question;
 - g) "period of coverage" means a period of contributions or any similar period insofar as it is considered equivalent to a period of coverage by that legislation;
 - h) "benefit" means a pension or any other cash benefit, including any increases;
2. Any other expression used in this Agreement shall have the meaning respectively assigned to it in the applicable legislation.

Article 2

Material scope

1. This Agreement shall apply:

(a) in relation to Korea,

- (i) to the National Pension Act and its regulations,
- (ii) with regard to Part II only, the Employment Insurance Act, the National Health Insurance Act, the Industrial Accident Compensation Insurance Act, the Act on the Collection of Premiums for Employment Insurance and for Industrial Accident Compensation Insurance and their regulations;

(b) in relation to Austria,

- (i) to the legislation concerning pension insurance, with the exception of the insurance for notaries,
- (ii) with regard to Part II only, to the legislation concerning sickness insurance and accident insurance.

2. Except as otherwise provided in paragraph 3 and 4 of this Article, this Agreement shall also apply to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph 1 of this Article.
3. Notwithstanding paragraph 2 of this Article, this Agreement shall not apply to the laws or regulations which extend existing legislation of one Contracting State to new categories of beneficiaries, if the competent authority of that Contracting State notifies the competent authority of the other Contracting State, within six months from the date of the publication of such laws or regulations, that no such extension to the Agreement is intended.
4. Unless otherwise provided in this Agreement, the legislation within the meaning of paragraph 1 of this Article shall not include treaties or other international agreements concluded between one Contracting State and a third state, except insofar as they contain provisions relating to the apportionment of insurance burdens.

Article 3

Personal scope

This Agreement shall apply to:

- (a) persons who are or have been subject to the legislation of one or both of the Contracting States
- (b) other persons with respect to the rights they derive from the persons described in subparagraph (a) of this Article.