

No. 55930*

**Luxembourg
and
Republic of Korea**

Agreement on social security between the Government of the Grand Duchy of Luxembourg and the Government of the Republic of Korea. Luxembourg, 1 March 2018

Entry into force: *1 September 2019, in accordance with article 29*

Authentic texts: *English, French and Korean*

Registration with the Secretariat of the United Nations: *Luxembourg, 1 September 2019*

**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.*

**Luxembourg
et
République de Corée**

Convention de sécurité sociale entre le Gouvernement du Grand-Duché de Luxembourg et le Gouvernement de la République de Corée. Luxembourg, 1^{er} mars 2018

Entrée en vigueur : *1^{er} septembre 2019, conformément à l'article 29*

Textes authentiques : *anglais, français et coréen*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Luxembourg, 1^{er} septembre 2019*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

**AGREEMENT ON SOCIAL SECURITY BETWEEN
THE GOVERNMENT OF THE
GRAND DUCHY OF LUXEMBOURG
AND THE GOVERNMENT OF
THE REPUBLIC OF KOREA**

The Government of the Grand Duchy of Luxembourg and the Government of the Republic of Korea (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) "National" means:
 - (i) as regards the Grand Duchy of Luxembourg (hereinafter referred to as "Luxembourg"), a national of Luxembourg, and
 - (ii) as regards the Republic of Korea (hereinafter referred to as "Korea"), a national of Korea as defined in the Nationality Law;
 - (b) "Legislation" means the laws and regulations specified in Article 2 of this Agreement;
 - (c) "Competent Authority" means the Ministries in charge of enforcing the legislation mentioned in Article 2 of this Agreement;
 - (d) "Competent Institution" means:
 - (i) as regards Luxembourg, the institution, body or authority responsible for applying all or part of the legislation specified in paragraph 1(a) of Article 2, and
 - (ii) as regards Korea, the National Pension Service;
 - (e) "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;
 - (f) "Benefit" means any pension or benefit in cash, including any supplements or increases, 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 applicable legislation.

Article 2
Applicable Legislation

1. This Agreement shall apply to the following legislation:
 - (a) as regards Luxembourg,
 - (i) pension insurance in case of old-age, invalidity and survivorship,
 - (ii) Articles 2 and 173 of the Social Security Code for the purpose of Article 8, and
 - (iii) with regard to Part II only, sickness and maternity insurance, accidents at work and occupational diseases insurance, unemployment benefits and family benefits.
 - (b) 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.

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 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.

5. This Agreement shall neither apply to social assistance, nor to benefits for victims of war.

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 dependents and survivors of such a person within the meaning of the applicable legislation of either Contracting Party.

Article 4 Equal Treatment

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 the Contracting Party, 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 Article.

Article 5 Export of Benefits

1. Benefits 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 benefits shall be payable in the territory of the other Contracting Party.

2. Benefits under the legislation of one Contracting Party shall be granted to the beneficiaries of the other Contracting Party who reside outside the territories of the Contracting Parties under the same conditions as they are granted to the nationals of the first Contracting Party who reside outside the territories of the Contracting Parties.

Article 6

Reduction or Suspension Clauses

The reduction or suspension clauses provided for in the legislation of one Contracting Party, in case one benefit coincides with other social security benefits or with other professional income, shall be applied to the beneficiaries, even if these benefits were acquired by virtue of a scheme of the other Contracting Party, or if the related professional activities are exercised in the territory of the other Contracting Party.

Article 7

Extension of the Reference Period

If the legislation of one Contracting Party makes the entitlement to benefits conditional upon the completion of a minimum insurance period during a specified period preceding the insured contingency (reference period), and if that legislation stipulates that certain facts or circumstances shall extend this reference period, those facts and circumstances have the same effect when they occur in the territory of the other Contracting Party.

Article 8

Admission to Optional Continued Insurance

1. The provisions of the legislation of a Contracting Party which make the admission to optional continued insurance conditional upon residence in the territory of that Contracting Party shall not apply to persons residing in the territory of the other Contracting Party, provided that at some time in their past working life they were as a worker subject to the legislation of the first Contracting Party.

2. Where, under the legislation of a Contracting Party, admission to optional continued insurance is conditional upon completion of insurance periods, the insurance periods completed under the legislation of the other Contracting Party shall be taken into account, to the extent necessary, as if they were completed under the legislation of the first Contracting Party.

Part II

Provisions on Coverage

Article 9

General Provisions

Except as otherwise provided in this Part, an employed or self-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 10

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 an employee who has been sent by