

**AGREEMENT ON SOCIAL SECURITY
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF KOREA
AND
THE GOVERNMENT OF THE ORIENTAL REPUBLIC OF
URUGUAY**

The Government of the Republic of Korea and the Government of the Oriental Republic of Uruguay (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 Republic of Korea (hereinafter referred to as "Korea"), a national of Korea as defined in the Nationality Law, and
 - (ii) as regards the Oriental Republic of Uruguay (hereinafter referred to as "Uruguay"), a natural or legal citizen as provided for in Articles 73 through 75 of the Constitution of the Republic;
 - (b) "legislation" means the laws and regulations specified in Article 2 of this Agreement;
 - (c) "Competent Authority" means:
 - (i) as regards Korea, the Ministry of Health and Welfare, and
 - (ii) as regards Uruguay, the Ministry of Labor and Social Security (Ministerio de Trabajo y Seguridad Social), and by delegation, the Social Security Bank (Banco de Previsión Social);
 - (d) "Competent Institution" means:
 - (i) as regards Korea, the National Pension Service, and
 - (ii) as regards Uruguay, the Social Security Bank (Banco de Previsión Social) and the Institutions or Organizations responsible, in each

case, for the application of the legislation referred to in Article 2 of this Agreement;

(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 benefit provided for in the legislation specified in Article 2 of this Agreement;

(g) "residence" means the place where a person resides in accordance with the applicable laws of either Contracting Party.

2. Any term not defined in this Article shall have the meaning assigned to it in the applicable legislation.

3. The Contracting Parties shall inform each other, without delay, of any changes in their competent authorities and institutions through diplomatic channels.

Article 2 Applicable Legislation

1. This Agreement shall apply to the following legislation:

(a) as regards Korea, the National Pension Act;

(b) as regards Uruguay, the legislation on the contribution payments to the Social Security for retirement and pension systems based on the intergenerational solidarity and capitalization systems managed by the Competent Institutions.

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

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 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 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 beneficiaries 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.

3. Unless otherwise provided in this Agreement, any provision of the legislation of one Contracting Party which requires that entitlement to, or the 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.

Part II Provisions on Coverage

Article 6 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 be subject only to the legislation of that Contracting Party with respect to that work.

Article 7 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 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 detachment 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 by mutual consent between the Competent Authorities or the Competent Institutions of both Contracting Parties.

3. Paragraphs 1 and 2 of this Article shall apply analogously to self-employed persons.

Article 8

Workers in both Contracting Parties

1. A self-employed person who ordinarily resides in the territory of a Contracting Party and works in the territory of both Contracting Parties shall, in respect of that work, be subject only to the legislation of the Contracting Party in whose territory he or she ordinarily resides.

2. A person who is employed in the territories of both Contracting Parties or a person who is self-employed in the territory of one Contracting Party and employed in the territory of the other Contracting Party shall be subject only to the legislation of the Contracting Party in whose territory he or she ordinarily resides.

Article 9

Mariners and Aircraft Crew

1. A person who, but for this Agreement, would be subject to the legislation of both Contracting Parties with respect to employment as an officer or member of a crew on a ship shall be subject only to the legislation of the Contracting Party of which the ship flies the flag.

2. A person who is employed as an officer or member of a 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 presence in the

territory of the other Contracting Party, such a person employed by that branch or permanent presence and who is not subject to Article 7 shall be subject to the legislation of the Contracting Party in the territory of which the branch or permanent presence is located.

Article 10

Members of Diplomatic Missions and Consular Posts, and Civil Servants

1. 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.

2. Subject to paragraph 1 of this Article, a person 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 11

Modification Provision

The Competent Authorities or Competent Institutions of both Contracting Parties may agree to grant an exception to this Part with respect to particular persons or categories of persons.

Part III

Provisions on Benefits

Article 12

Totalization of Periods of Coverage

1. When periods of coverage have been completed under the legislation of both Contracting Parties, the Competent Institution 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 own legislation.

2. If the legislation of one Contracting Party subordinates the granting of certain benefits to the condition that the 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. If a person is not entitled to a benefit on the basis of the periods of coverage completed under the legislation of both Contracting Parties, totalized according to paragraphs 1 and 2 of this Article, the right to the said benefit is to be determined by totalizing those periods with the periods of coverage completed under the legislation of a third State with whom both Contracting Parties are bound by social security instruments which provide for the totalization of periods of coverage, provided that such periods of coverage do not overlap with periods of coverage under the legislation of both Contracting Parties.

Article 13 Calculation of Benefits

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

Article 14 Special Provisions relating to Korea

1. Where periods of coverage under the legislation of Uruguay are taken into account to establish eligibility for benefits under the legislation of Korea in accordance with paragraph 1 of Article 12, the benefit due shall be determined as follows:

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

(b) the Competent Institution 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 sub-paragraph (a), 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. Where the conditions required for the entitlement to a benefit are satisfied only after the application of paragraph 3 of Article 12, the periods of coverage completed under the legislation of the third State referred to in that paragraph shall be considered for the application of paragraph 1 of this Article.

3. Lump-sum refunds shall be granted to nationals of Uruguay under the same conditions as they are granted to Korean nationals. Notwithstanding Articles 4 and 5 of this Agreement, lump-sum refunds shall be paid to the nationals of a third State only in accordance with the legislation of Korea.

Article 15

Special Provisions relating to Uruguay

1. The Uruguayan Competent Institution shall establish the individual entitlement to a benefit and shall calculate the benefits taking into account the periods of coverage completed under the Uruguayan legislation, as well as those completed under the Korean legislation. Benefits provided shall result from the most favorable calculation to the beneficiary by one or the other procedure, regardless of any benefit determination made by the Competent Institution of Korea.

2. When totalizing the periods of coverage in order to add the periods of coverage completed under the legislation of Korea and, if necessary, the legislation of the third State mentioned in paragraph 3 of Article 12 to those completed under the legislation of Uruguay, the Uruguayan Competent Institution shall apply the following calculation rules to establish the amount of the benefits:

(a) the Competent Institution shall determine the amount of the benefit that the person would be entitled to if all creditable periods of coverage had been completed under its legislation (theoretical benefit);

(b) the Competent Institution shall establish the amount of the benefit by applying to the theoretical benefit estimated according to its legislation, the same proportion that exists between the creditable period of coverage completed under the legislation of Uruguay, and the total creditable periods of coverage completed under the legislation of the two Contracting Parties and, if applicable, the third State (pro rata benefit).

Part IV
Miscellaneous Provisions

Article 16
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 17
Exchange of Information and Mutual Assistance

1. The Competent Authorities and the Competent Institutions of the Contracting Parties shall, within the scope of their respective competence:
 - (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 benefit 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 16.

Article 18 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 Competent Institution of that Contracting Party by the Competent Authority or the Competent Institution 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 a Competent Authority or a Competent Institution 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 19 Exemption from Fees and Certification of Documents

1. Where the legislation of a Contracting Party provides that any document which is submitted to the Competent Authority or the Competent Institution of that Contracting Party shall be exempted, wholly or partly, from fees or charges, including consular and administrative fees, the exemption shall also apply to corresponding documents which are submitted to the Competent Authority or the Competent Institution of the other Contracting Party in the application of this Agreement or of the legislation of the other Contracting Party.

2. Documents and certificates which are presented by the Competent Authority or the Competent Institution of either Contracting Party for the application of this Agreement or of the legislation of the other Contracting Party shall be exempted from requirements for authentication by diplomatic or consular authorities or any other similar formalities.

3. Copies of documents which are certified as true and exact copies by the Competent Authority or the Competent Institution of one Contracting Party shall be accepted as true and exact copies by the Competent Authority or the Competent Institution of the other Contracting Party, without further certification.

Article 20

Language of Communication

1. The Competent Authorities and the Competent Institutions of the Contracting Parties may correspond directly with one another as well as with any person, 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. The correspondence may be made in any official language of either Contracting Party or in the English language. In the event that the Competent Institutions of one Contracting Party has any difficulties interpreting any document in an official language of the other country, it may request the assistance of the Competent Institution of the other Contracting Party.

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

Article 21

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 Competent Institution of that Contracting Party, but which is instead filed within the same period to the Competent Authority or the Competent Institution of the other Contracting Party, shall be considered to have been filed on time with the Competent Authority or the Competent Institution 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 Competent Institution 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) requests that it be considered as an application under the legislation of the other Contracting Party; or
- (b) 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 Competent Institution 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 Competent Institution of the other Contracting Party.

Article 22

Payment of Benefits

1. The Competent Institution of a Contracting Party may pay benefits in accordance with this Agreement in the currency of that Contracting Party.

2. In the event that a Contracting Party imposes currency controls or other similar measures that restrict payments, remittances or transfers of funds or financial instruments to persons who are outside the territory of that Contracting Party, it shall, without delay, take appropriate measures to ensure the payment of any amount that must be paid in accordance with this Agreement to persons described in Article 3.

Article 23

Resolution of Disagreements

1. Any disagreement regarding the interpretation of this Agreement shall be resolved by consultation between the Contracting Parties.

2. Any disagreement regarding the application of this Agreement shall be resolved by consultation between the Competent Authorities of the Contracting Parties.

Part V
Transitional and Final Provisions

Article 24
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 Competent Institution 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 payment of a benefit 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. The application of this Agreement shall not result in any reduction in the amount of benefits to which entitlement was established prior to its entry into force.

5. In applying Article 7 in case of persons who were sent to a Contracting Party prior to the date of the entry into force of this Agreement, the periods of detachment 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 25
Entry into Force

This Agreement shall enter into force on the first day of the third 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.

Article 26
Period of 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 dealing 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 Montevideo, on this 9th day of July, 2019, in the Korean, Spanish, 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
ORIENTAL REPUBLIC OF URUGUAY**