

AGREEMENT BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF KOREA  
AND THE GOVERNMENT OF THE ITALIAN  
REPUBLIC ON SOCIAL SECURITY

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

Being desirous of regulating the relationship between the two Countries in the field of social security, and

Wishing to prevent double coverage under the social security systems of both Countries for persons moving between or working in their respective territories,

Have agreed as follows:

## **PART I**

### **General Provisions**

#### **Article 1**

#### **Definitions**

1. For the purpose of this Agreement:
  - (a) "Territory" means,  
as regards Korea, the territory of the Republic of Korea, and  
as regards Italy, the territory of the Italian Republic;
  - (b) "Legislation" means the laws and regulations specified in Article 2 of this Agreement;
  - (c) "Competent Authority" means,  
as regards Korea, the Minister of Health and Welfare, and  
as regards Italy, the Ministry of Labour and Social Security;
  - (d) "Agency" means,  
as regards Korea, the National Pension Corporation, and as regards Italy, the National Institute for Social Security(INPS) and all the other institutes or agencies managing social security forms which replace the general

compulsory insurance.

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

## **Article 2**

### **Applicable Legislation**

1. This Agreement shall apply to the following legislation;
  - (a) As regards Korea, the National Pension Act, and the regulations applicable thereto;
  - (b) As regards Italy, the legislation on the general compulsory insurance for invalidity, old-age and survivors of employees and the relevant special management for self-employed workers as well as the insurance forms replacing the above-mentioned compulsory insurance.
2. This Agreement shall also apply to future legislation which supersedes, replaces, amends, supplements or consolidates 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 either Contracting Party and a third Party, or legislation promulgated for their specific implementation.

## **Article 3**

### **Personal Scope**

This Agreement shall apply to any person who is or has been subject to the legislation of either Contracting Party.

## **PART II**

### **Provisions Determining the Applicable Legislation**

#### **Article 4**

##### **General Rules**

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 ordinarily 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 he or she ordinarily 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 ordinarily resides.

#### **Article 5**

##### **Detached Worker**

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 a company in the territory of the other Contracting Party, including the

employer's affiliated or subsidiary companies, to work on that employer's behalf for a period not exceeding thirty-six months, renewable once, the person shall, in respect of that employment, be subject only to the legislation of the first Contracting Party as if the person were employed in the territory of that Contracting Party.

2. Paragraph 1 of this Article shall also apply where a person who has been sent by that person's employer from the territory of either Contracting Party to a third country is subsequently sent by that employer from the third country to the territory of the other Contracting Party.

## **Article 6**

### **Diplomatic and Consular Personnel**

1. This Agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961 or of the Vienna Convention on Consular Relations of 24 April 1963.

2. Subject to paragraph 1 of this Article, where any person who is employed in the government service, or treated as such, or in the local government service of one Contracting Party is sent by that government to work in the territory of the other Contracting Party, the legislation of the former Contracting Party shall apply to him or her as if he or she were employed in its territory.

## **Article 7**

### **Modification Provision**

The Competent Authorities of both the Contracting Parties may agree to make an exception in the application of the provisions of Articles 4 to 6, with

respect to particular persons or categories of persons, provided that the affected persons shall be subject to the legislation of one of the Contracting Parties.

### **PART III**

#### **Miscellaneous Provisions**

#### **Article 8**

##### **Administrative Arrangements and Co-operation**

1. The Competent Authorities of the Contracting Parties shall:
  - (a) establish the administrative arrangements necessary for the application of this Agreement;
  - (b) designate liaison agencies for the purpose of facilitating the implementation of this Agreement;
  - (c) communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes to their national legislation in so far as these changes affect the application of this Agreement;
  - (d) assist each other, within the scope of their respective legislation, on the application of this Agreement. This assistance shall be free of charge.
  
2. Where the legislation of one Contracting Party provides that any certificates or other documents which are submitted under the legislation of that Contracting Party, in compliance with this Agreement, shall be exempt, wholly or in part, from any taxes, legal dues, consular fees or administrative charges, that exemption shall apply to certificates or other documents which are submitted under the legislation of the other Contracting Party.

3. Statements, documents and certificates of any nature required to be produced for the application of this Agreement shall be exempt from authentication by diplomatic or consular authorities.

## **Article 9**

### **Language of Communication**

1. For the application of this Agreement, the Competent Authorities and the Agencies of the Contracting Parties may communicate directly with one another in English.

2. An application or document may not be rejected by the Competent authority, the Agency or the liaison agency of one Contracting Party solely because it is in the official language of the other Contracting Party.

## **Article 10**

### **Confidentiality of Information**

Unless disclosure is required under the legislation of one Contracting Party, any information about an individual which is sent in accordance with, and for the purposes of, this Agreement to that Contracting Party by the other Contracting Party is confidential and shall be used only for the purpose of implementing this Agreement and the legislation to which this Agreement applies.

## **Article 11**

### **Resolution of Disputes**

Any dispute regarding the interpretation or application of this Agreement

shall be resolved by consultation between the Contracting Parties.

**PART IV**  
**Transitional and Final Provisions**

**Article 12**  
**Transitional Provision**

In applying Article 5 of this Agreement, in the case of persons who were sent to the territory of one Contracting Party prior to the date of entry into force of this Agreement, the period of employment referred to in that Article shall be considered to begin on that date.

**Article 13**  
**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 shall have received from the other Contracting Party written notification that it has completed domestic procedures for the entry into force of this Agreement.

**ARTICLE 14**  
**Period of Duration and Termination**

1. This Agreement shall remain in force without any limitation on its duration.
2. This Agreement shall terminate six (6) months after either



Contracting Party notifies in writing its intention of denouncing it to the other Contracting Party.

3. In case of denunciation of the present Agreement any right already acquired under its provisions shall not be affected.

4. Applications which have not been approved on the date of denunciation of this Agreement shall be dismissed.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Agreement.

Done in duplication at Rome this 3th day of March 2000, in the Korean, Italian and English languages, all texts 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 ITALIAN REPUBLIC