

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

The Government of Mongolia and the Government of the Republic of Korea (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 their social security systems for nationals of the two countries working in their respective territories,

Have agreed as follows:

**PART I
General Provisions**

**Article 1
Definitions**

1. For the purposes of this Agreement:

- (a) "national" means, as regards Mongolia, a national of Mongolia as defined in the Nationality Law, and as regards the Republic of Korea (hereinafter referred to as "Korea"), a national of Korea as defined in the Nationality Law, as amended;
- (b) "legislation" means the laws and regulations specified in Article 2 of this Agreement;
- (c) "Competent Authority" means, as regards Mongolia, the Minister of Social Welfare and Labor, and as regards Korea, the Minister of Health and Welfare or the Minister of Labor, each to the extent that he/she is responsible for the implementation of the legislation specified in paragraph 1 (a) of Article 2;
- (d) "Agency" means, as regards Mongolia, the State Social Insurance General Office, and as regards Korea, the National Pension Service, the Korea Labor Welfare Corporation or the Regional Labor Office responsible in full or in part for the implementation of the laws specified in paragraph 1 (a) of Article 2.

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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 Korea,
 - (i) the National Pension Act,
 - (ii) the Employment Insurance Act,
 - (iii) the Act on the Collection, etc. of Premiums for Employment Insurance and Industrial Accident Compensation Insurance, and
 - (iv) regulations related to the above Acts;
 - (b) as regards Mongolia,
 - (i) the Law on Social Insurance,
 - (ii) the Law on Pensions and Benefits Provided by the Fund of Social Insurance,
 - (iii) the Law on Individual Pension Insurance Contribution Accounts, and
 - (iv) the Law on Unemployment Benefit provided by the Fund of Social 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 party, 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.

/ PART II

PART II
Provisions on Coverage

Article 3
General Provisions

1. Where a national who is subject to the legislation of a Contracting Party works in the territory of the other Contracting Party for a period that is not expected to exceed sixty calendar months, that person shall be subject only to the legislation on coverage of the first Contracting Party with regard to that work, as though that person still worked in the territory of the first Contracting Party.

2. In case the work referred to in paragraph 1 of this Article continues beyond the period specified in that paragraph, the legislation of the first Contracting Party shall continue to apply upon the request of the worker, provided that the Competent Authorities of both Contracting Parties or the Agencies designated by them consent thereto.

Article 4
Members of Diplomatic Missions
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, where a person who is employed by the national or local Government Service, or treated as such, of one Contracting Party is sent to work in the territory of the other Contracting Party, the legislation of the first Contracting Party shall continue to apply to that person as if that person were employed in its territory.

/ Article 5

**Article 5
Modification Provision**

The Competent Authorities of both Contracting Parties or the Agencies designated by them may agree to grant an exception to the provisions of Article 3 of this Agreement with respect to particular persons or categories of persons, provided that the affected person shall be subject to the legislation of one Contracting Party.

**PART III
Miscellaneous Provisions**

**Article 6
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. Liaison agencies for each Contracting Party shall be designated in the Administrative Arrangement.

**Article 7
Exchange of Information and Mutual Assistance**

1. The Competent Authorities and Agencies of the Contracting Parties shall, within the scope of their respective authorities:

- (a) communicate to each other, to the extent permitted by the legislation which they administer, any information necessary for the application of this Agreement;

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(b) communicate to each other, as soon as possible, information concerning the measures taken by them for the application of this Agreement and of any changes in their respective legislation which may affect the application of this Agreement.

2. The assistance referred to in sub-paragraph 1(a) of this Article shall be provided free of charge, subject to any exceptions to be agreed upon by the Competent Authorities of the Contracting Parties in the Administrative Arrangement concluded pursuant to paragraph 1 of Article 6.

Article 8 Confidentiality of Information

Unless otherwise required by the national statutes of a Contracting Party, information about an individual which is transmitted in accordance with this Agreement to the Competent Authority or Agency of that Contracting Party by the Competent Authority or Agency of the other Contracting Party shall be used exclusively for purposes of implementing this Agreement and the legislation to which this Agreement applies. Such information received by a Competent Authority or Agency of a Contracting Party shall be governed by the national statutes of that Contracting Party for the protection of privacy and confidentiality of personal data.

Article 9 Language of Communication

1. The Competent Authorities and Agencies of the Contracting Parties may correspond directly with each other and with any person, wherever that person may reside, whenever it is necessary to do so for the application of this Agreement or the legislation to which this Agreement applies. The correspondence may be in any official language of either Contracting Party.

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

**Article 10
Resolution of Disputes**

Any disagreement regarding the interpretation or application of this Agreement shall be resolved by consultations between the Competent Authorities of the Contracting Parties.

**PART IV
Transitional and Final Provisions**

**Article 11
Transitional Provision**

In applying Article 3 in case of nationals of one Contracting Party who are working in the territory of the other Contracting Party prior to the date of entry into force of this Agreement, the period of work referred to in that Article shall be considered to begin on that date.

**Article 12
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 complied with all requirements for the entry into force of this Agreement.

Article 13

Article 13
Period of Duration and Termination

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.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

Done in duplicate at Ulanbaatar on *8th May* 2006, in the Mongolian, Korean and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
MONGOLIA



FOR THE GOVERNMENT OF
THE REPUBLIC OF KOREA

