

**ADMINISTRATIVE ARRANGEMENT
FOR THE APPLICATION OF THE CONVENTION
ON SOCIAL SECURITY
BETWEEN
THE REPUBLIC OF KOREA
AND
THE KINGDOM OF THE NETHERLANDS**

Pursuant to Article 13 of the Convention on Social Security between the Republic of Korea and the Kingdom of the Netherlands signed at The Hague on 3 July 2002.

the Competent Authorities of the Contracting Parties namely:

for Korea,

The Minister of Health and Welfare,

for the Netherlands,

The Minister of Social Affairs and Employment,

have agreed on the following provisions:

PART I
GENERAL PROVISIONS

ARTICLE 1

Definitions

1. For the application of this Administrative Arrangement "Convention" means the Convention on Social Security between the Republic of Korea and the Kingdom of the Netherlands, signed at The Hague on 3 July 2002.

2. Other terms shall have the meaning given to them in the Convention or in this Arrangement.

ARTICLE 2

Liaison agencies

1. For the application of the Convention the following are designated as liaison agencies,

for Korea:

The National Pension Corporation, Seoul;

for the Netherlands:

- (a) for Old Age and Survivors benefits: the "Sociale Verzekeringsbank" (Social Insurance Bank), Amstelveen;
- (b) for Invalidity benefits: the "Landelijk Instituut Sociale Verzekeringen" (National Institute for Social Insurances), c/o Gak Nederland bv, Amsterdam,

2. For the application of the Convention and this Arrangement, the liaison agencies may communicate directly with each other as well as with the persons concerned or their representatives. The liaison agencies shall assist each other in the application of the Convention.

PART II

PROVISIONS CONCERNING APPLICABLE LEGISLATION

ARTICLE 3

Secondment declaration

1. For the purposes of this Part, "institution" means, as regards Korea, The National Pension Corporation, Seoul, and, as regards the Netherlands, the "Sociale Verzekeringsbank" (Social Insurance Bank), Amstelveen.

2. When the laws of a Contracting Party are applicable in accordance with Article 6 paragraph 2, 3 and 4, Article 7 and Article 10 of the Convention, the institution of that Contracting Party, upon request of an employee, employer or self-employed person, shall issue a certificate stating, on the basis of the relevant Article, that the employed person or self-employed person and the members of his/her family remain subject to those laws and for which period this applies. This certificate shall be proof that the named person is exempt from the laws on compulsory coverage of the other Contracting Party.

3. When an employed person, to whom a certificate has been issued by the institution of one Contracting Party, subsequently becomes employed in the territory of the other Contracting Party by a different employer located in the territory of that other Contracting Party, the employed person must, without delay, inform the institution of the Contracting Party which issued the certificate. This institution shall thereupon inform the institution of the other Contracting Party.

4. A family member, described in Article 11 of the Convention, who subsequently becomes employed or self-employed in the territory of the Contracting Party to which this family member accompanies the employed person, must without delay inform the institution of the Contracting Party which issued the certificate to the employed person. This institution shall thereupon inform the institution of the other Contracting Party.

5. The institution of the Contracting Party which has issued a certificate under this Article shall send copies of it to the employed person and the employer of that person or the self-employed person and, the institution of the other Contracting Party.

PART III

PROVISIONS CONCERNING VERIFICATION AND IDENTIFICATION

ARTICLE 4

Verification of applications and payments

1. After receipt of an application or to determine the legitimacy of payments, the Agency of one Contracting Party shall verify the information regarding the applicant and, if applicable, his or her family members and forward this evidence along with other relevant documents to the Agency of the other Contracting Party, so that the latter can process the application further.

2. Paragraph 1 also applies when the Agency of a Contracting Party requests the other Contracting Party to conduct an investigation to verify the legitimacy of payments made to beneficiaries living or residing in the territory of that other Contracting Party.

3. The information referred to in the first and second paragraphs also includes information regarding address, work, education, income, family situation, ability for work or medical condition.

4. The Agencies of the Contracting Parties may contact each other, as well as their respective beneficiaries or their representatives, directly.

ARTICLE 5

Identification

1. In order to determine the entitlement to benefit and legitimacy of payments under the legislation of either Contracting Party, a person who falls under the scope of the Convention is obliged to identify himself or herself by submitting an official proof of identity to the Agency of the Contracting Party in whose territory he or she resides.

2. The Agency of that Contracting Party shall properly identify the claimant on the basis of this identification. Proper identification includes a passport or any other valid proof of identity issued by the Authorities in the person's residence.

3. The Agency of the Contracting Party which has identified the claimant shall then inform the Agency of the other Contracting Party that the identity of the claimant has been verified properly by sending a copy of the identification document.

ARTICLE 6

Verification in case of sickness and invalidity

1. At the request of the Agency of one Contracting Party, verification of administrative and medical information regarding claimants or recipients of sickness and invalidity benefits of one Contracting Party living in the territory of the other Contracting Party, shall be carried out by the Agency of the other Contracting Party.
2. In order to determine the degree of disability for work, the Agencies of both Contracting Parties shall use the medical reports and the administrative data provided by the Agency of the other Contracting Party, but they nevertheless reserve the right to have the claimant or beneficiary examined by a doctor of their own choice or to summon the person involved to undergo a medical examination in the territory of the competent State.
3. The person involved is obliged to comply with a request as meant in the second paragraph by presenting himself for medical examination. If he feels that, for medical reasons, he is unfit to travel to the territory of the State where he has been summoned by the Agency, he must inform that Agency immediately. He shall then be obliged to submit a medical statement issued by a doctor designated for this purpose by the Agency. This statement must include the medical reasons for his unfitness for travelling as well as the expected duration of this unfitness.
4. The costs of the examination and, in cases where the examination is held in the territory of the Contracting Party of which the Agency requests the examination, the expenses for travel and accommodation shall be paid for in accordance with the legislation or practice of that Contracting Party.

ARTICLE 7

Refusal to pay, suspension, withdrawal

As to the information and examinations described in this Arrangement, the Agency of one Contracting Party may refuse to pay or suspend, or withdraw an old age benefit, disability benefit or survivor's benefit or children's allowances if, in their judgement, the applicant or beneficiary staying or residing in the territory of the other Contracting Party fails to undergo any examinations as required, or the Agency of the other Contracting Party, as the case may be, fails to carry out any examinations as required under this Arrangement.

PART IV

MISCELLANEOUS PROVISIONS

ARTICLE 8

Forms and Procedures

1. The liaison agencies of the Contracting Parties shall agree on the forms and procedures necessary to implement the Convention and this Arrangement.
2. The liaison agencies may agree on supplementary administrative procedures for the implementation of this Arrangement.

ARTICLE 9

Language

The liaison agencies shall, where necessary, assist each other in translating forms and other documents written in their respective official languages, into Korean, English or Dutch.

ARTICLE 10

Entry into force

This Arrangement shall enter into force on the date of entry into force of the Convention and shall have the same period of validity.

Done in duplicate at The Hague on 3 July 2002 in the Korean, Dutch and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE COMPETENT AUTHORITY
OF THE REPUBLIC OF KOREA

FOR THE COMPETENT AUTHORITY
OF THE KINGDOM OF NETHERLANDS