



PENSIONS FROM ZUS UNDER THE SOCIAL SECURITY AGREEMENT BETWEEN POLAND AND SOUTH KOREA



Legal Basis for the Coordination

The Agreement on Social Security between the Republic of Poland and the Republic of Korea of 25 February 2009 (hereinafter referred to as the „Agreement”), which entered into force on 1 March 2010, constitutes a legal basis for coordination of pension systems of Poland and South Korea. The Administrative Arrangement for the implementation of the Agreement on Social Security between the Republic of Poland and the Republic of Korea, which entered into force with the Agreement, established methods of its implementation and relevant procedures for claiming pension benefits.

Provisions of the Agreement and of the Arrangement inter alia aim to facilitate acquisition of pension entitlements and receipt of benefits from Poland and South Korea by persons working in the territory of these States.

Pension provisions of the Agreement apply to: • nationals of the Republic of Poland • nationals of South Korea • persons not being nationals of any of these States (i.e. nationals of Third States and the so called stateless persons).

The Agreement covers persons who have been subject to social insurance in Poland and in South Korea, pursuing widely conceived occupational activity – in particular as employees and self-employed persons, persons performing work on a basis of civil law contracts – or on a basis of other insurance entitlements.

The Agreement also applies to pension claimants being the survivors of the above mentioned persons.

The aforementioned persons are covered by the Agreement irrespective of their State of residence (Poland, South Korea or a Third State).



Which Benefits are Covered by the Polish-Korean Agreement?

The Agreement of 25 February 2009 covers the following **Polish** social insurance benefits awarded and payable by ZUS: • old-age pensions, including pensions from the Social Insurance Fund and pensions based on contributions transferred to Open Pension Fund (OPF) • disability pensions • survivors' pensions • death grants.

The Agreement also applies to pension benefits under the social insurance for farmers, awarded by the Farmers' Social Insurance Fund (Kasa Rolniczego Ubezpieczenia Społecznego, KRUS).

The Agreement does not apply to other social insurance benefits awarded by ZUS, including benefits in respect of sickness and maternity as well as benefits in respect of accidents at work and occupational diseases.

On the **Korean** side the Agreement covers the following benefits awarded under the National Insurance System: • old age pension • disability pension • survivors' pension • lump-sum benefits, including lump-sum refund and lump-sum death payment.



Who is the Leaflet Addressed to?

The leaflet is addressed to persons who:

- reside in Poland or in South Korea, or in another State (a Third State) and claim pension benefits from ZUS on the basis of periods of coverage completed in Poland and in South Korea, or
- reside in the territory of South Korea and claim pension benefits from ZUS on the basis of periods of coverage completed only in Poland, or
- reside in the territory of South Korea and are interested in receiving, in their place of residence, a pension benefit that they are entitled to from ZUS.



The Principle of Equal Treatment

Pursuant to the equal treatment principle, any person covered by the Agreement who has the place of residence in the territory of State Party to the Polish-Korean Agreement, is subject to the legislation of that State and is entitled to benefits foreseen by that legislation on equal terms to the nationals of that State.

It means that it is prohibited to discriminate a person who has been covered by social insurance in Poland and in South Korea and now claims pension benefits from any of these States.

The Agreement authorizes Polish nationals to claim lump-sum benefits under the Korean social insurance system on equal terms to the nationals of South Korea. However, such entitlement is not exercised by persons being neither Polish nor Korean nationals (nationals of Third States).



Old-Age, Disability and Survivors' Pensions for Persons who have been Working in Poland and in South Korea

► Establishment of the Right to the Pension in Parallel by Institutions in Poland and in South Korea

It is for the legislation of Poland and of South Korea to define persons eligible for pension benefits and eligibility requirements in each of these States.

A person who has been working and covered by social insurance in the territories of Poland and of South Korea may be granted a pension both in Poland and in South Korea, if he or she satisfies the requirements under the legislation of each of these States. It means that persons who satisfy qualifying conditions in both States, may – pursuant to the Agreement – receive pensions from both of them.

Information on eligibility requirements for ZUS pensions, as well as the rules governing calculation of benefits, may be found in separate leaflets titled: *Old-age pension from the Social Insurance Fund awarded under earlier rules*, *Old-age pension from the Social Insurance Fund awarded under the new rules*, *Disability pension*, *Survivors' pension*, which are available in each ZUS unit.

Information on eligibility requirements for and rules governing calculation of periodic funded pensions, payable from the resources of the Open Pension Fund,

which are also covered by the Agreement, may be found in a leaflet titled: *Periodic funded pension payable from the resources of the Open Pension Fund*.

Information on the above mentioned benefits is also available at the website of the Social Insurance Institution: www.zus.pl.

Information on benefits under the Korean social security system is available in the South Korean institution – the National Pension Service (NPS) and at the website: <http://www.nps.or.kr/>.

► Taking into Consideration Periods of Coverage to Grant Pension Benefits (Totalization)

The Agreement provides for taking into account **periods of coverage** completed in one State to establish the eligibility for and amount of benefits in the other State.

It means that where a person applying for a pension under the legislation of one State Party to the Agreement has not completed sufficient periods of coverage under the legislation of this Party, the eligibility of the person concerned for that benefit is determined by taking into consideration also foreign periods of coverage completed in the other State (totalization).

For example: where a man aged 65 years, born before 1 January 1949, claims an old-age pension from ZUS, but has not completed a 25-year period of coverage in Poland (contributory and non-contributory period) required to be awarded the old-age pension under the Polish legislation, ZUS will take into account (totalize) also Korean periods of coverage, certified by the competent Korean agency (NPS), and will check if – after totalization – the man concerned satisfies the eligibility requirements for the Polish pension.

Pursuant to the Agreement, the Korean agency takes into account only such insurance periods in Poland which were completed after the establishment of the Korean National Insurance System. It means that Polish insurance periods completed before 1988, i.e. before the starting date of the Korean system, are not taken into account (totalized) by the Korean agency. On the Polish side – to establish the pension entitlement ZUS will take into account, with no exception, all periods of coverage completed by a person concerned in South Korea and certified by the Korean agency.

Periods of coverage are taken into account by the agency of a given State on the basis of a certificate issued by the agency of the other State. The certificate is issued on mutually agreed liaison form. The recipient of such certificate is bound by data on periods of coverage provided and certified by certificate issuer. The above mentioned certificates are mutually issued by social insurance institutions under the pension procedure.

If on the basis of periods of coverage completed in Poland and in South Korea a person concerned is not eligible for the pension in any of these States, the

eligibility of that person for the mentioned benefit is determined after totalization of these periods and periods of coverage completed under the legislation of a **Third State**, i.e. a State other than Poland or South Korea, bound with both of them by social security instruments which provide for totalization of periods. It also concerns insurance or residence periods completed in the European Union and the European Economic Area Members States, with whom Poland is bound by Community Regulations on coordination of social security schemes and with whom – at the same time – South Korea is bound by international social security instruments which provide for totalization of periods.

As of the date of entry into force of the Polish-Korean Agreement, it is possible to take into account (totalize) – if necessary – insurance or residence periods completed in the following Third States: **Belgium, Czech Republic, France, Ireland, Canada, Germany, Hungary and the USA.**

Information on possibility of taking into account insurance or residence periods completed in a given Third State – in a situation where the right to pension from ZUS is not acquired on the basis of aggregated periods of coverage in Poland and in South Korea – may be received from ZUS units whose contact data are available at page 19 of this brochure.

A woman aged 60 years, born before 1 January 1949, cannot acquire the right to the old-age pension from ZUS on the basis of periods of coverage completed in Poland and in South Korea, because her total period of coverage completed under the legislation of both States equals 11 years (as a person born before 1 January 1949, she must prove at least 15 years of contributory and non-contributory periods). The woman concerned has also completed a 10-year insurance period in Ireland.

Poland is bound with Ireland by the Community Regulation on coordination of social security schemes, allowing to aggregate periods of insurance. South Korea has also concluded with Ireland an international agreement on social security, providing for totalization of periods of coverage. Therefore ZUS will take into account the 10-year Irish insurance period and will award the old-age pension to the woman concerned, because she has completed a total period of coverage of 21 years in Poland, in South Korea and in Ireland, which is sufficient to award the Polish old-age pension.

► Calculation of the Pro-Rata Pension from ZUS Established Taking into Account Periods of Coverage Completed in South Korea or in South Korea and in the Third State

If to award a pension from ZUS, also Korean periods of coverage, or periods accumulated in Korea and in the Third State should be taken into account in addition to the insurance periods completed in Poland – a pro-rata

benefit is calculated. The pro-rata amount corresponds to the ratio of the Polish insurance period to total period of coverage completed under the legislation of Poland and of South Korea, or the ratio of insurance period completed in Poland to total period accumulated in Poland, in South Korea and in the Third State.

ZUS calculates the pro-rata pension in the following way:

- first it calculates a theoretical (full) amount of the pension which would be awarded if all periods accumulated in Poland and in South Korea (or in Poland, in South Korea and in the Third State) were completed only in Poland,
- subsequently, based on the theoretical amount, it calculates the actual amount of the pro-rata benefit based on the ratio of insurance period completed in Poland to total period accumulated in both Parties to the Agreement (or total period accumulated in Poland, in South Korea and in the Third State).

The pro-rata pension, calculated in this way, is the benefit which is due from ZUS to the person concerned.

ZUS has determined an old-age pension for a man born before 1 January 1949 based on 18 years of Polish insurance periods (contributory and non-contributory) and 12 years of periods of coverage completed by him in South Korea. The old-age pension payable by ZUS will be calculated in the following way:

- *first, ZUS will determine a theoretical (full) pension which would be awarded to the man concerned if all periods of coverage (30 years in Poland and in South Korea) were completed in Poland,*
- *subsequently, based on the theoretical amount, ZUS will determine the actual amount of pro-rata benefit corresponding to the ratio of the Polish insurance period to total period completed under the legislation of Poland and South Korea; in the described case it will be 18/30 of the theoretical amount, because the man concerned has completed 18 years of periods of coverage in Poland, and a total of 30 years of periods of coverage in Poland and in South Korea.*

In effect he will be awarded by ZUS the pro-rata pension determined in the described way.

Where amount of the pension awarded by ZUS to a person who resides in Poland and amount of the pension from South Korea is lower than the minimum pension under the Polish legislation, the person concerned is awarded the supplement intended to bring the pension up to the Polish minimum pension. The supplement will amount to a difference between the amount of the minimum

Polish pension and an aggregated amount of the pension from ZUS and Korean pension.

The principle of calculating the pro-rata benefit with consideration of periods completed in Korea is **not applicable to old-age pensions awarded by ZUS under the reformed system** – the so called new old-age pensions¹, nor to pensions for survivors of recipients of or persons eligible for such pensions. The old-age pension awarded under the new rules is based on resources accumulated on the pension account in ZUS, including contributions to pension insurance in Poland after indexation – paid from 1 January 1999 – and the initial capital for insurance periods completed in Poland before 1 January 1999.

ZUS has established the right to the old-age pension for a 60-year old woman born after 31 December 1948, affiliated to the Open Pension Fund (OPF), who has completed a 14-year insurance period in Poland and a 6-year period of coverage in South Korea. The amount of her pension will be based on the resources accumulated on her pension account in ZUS, including contributions paid during 14 years of insurance in Poland. To establish the pension entitlement ZUS will not take into account the 6-year period of coverage completed by the person concerned in South Korea. Thanks to her participation in the Open Pension Fund, the woman concerned will be also awarded the periodic funded pension, based on the resources accumulated on account in the Open Pension Fund.

Where the totalized amount of the old-age pension awarded by ZUS under the new rules to a person who resides in Poland (together with the funded pension from the Open Pension Fund – if applicable) and the amount of the old-age pension from South Korea is lower than the minimum old-age pension under the Polish legislation, Korean periods of coverage are taken into account to establish the benefit if the person concerned satisfies a condition of a total insurance period of 20 years for women and 25 years for men, required to be awarded the supplement intended to bring the pension up to the Polish minimum old-age pension.

The supplement will amount to a difference between the amount of the minimum Polish pension and a totalized amount of the Polish pension from ZUS (and a funded pension from the resources accumulated in the Open Pension Fund if a given person is a recipient of such benefit) and the Korean pension.

The following benefits have been awarded to a 60-year old woman, born in 1949, who resides in the territory of Poland: the old-age pension based on the resources accumulated

¹ This rule applies to persons born after 31 December 1948.

on the pension account in ZUS and the periodic funded pension based on the resources accumulated in the Open Pension Fund. An aggregated amount of pensions due to the woman concerned (from ZUS and the periodic funded pension from OPF) is lower than the minimum Polish old-age pension.

The woman concerned has accumulated 12 years of insurance in Poland, which does not guarantee the right to have the pension brought up to the Polish minimum old-age pension. However, after taking into account a 11-year period completed in South Korea, she will be eligible for such supplement if the totalized amount of her pensions: from ZUS and the periodic funded pension from OPF as well as the Korean pension, is lower than the minimum Polish old-age pension.

The supplement will amount to a difference between the amount of the minimum Polish pension and an aggregated amount of three mentioned benefits.

► Calculation of the Pension from ZUS Established without Consideration of Korean Periods

If under the Polish legislation the right to pension from ZUS – depending on the length of contributory and non-contributory periods – arises without consideration of Korean periods of coverage, the pension amount will be based only on periods of coverage completed in Poland (national pension), not taking into account Korean periods.

However, in this case ZUS will also determine the pro-rata pension amount that would be awarded on the basis of totalized periods completed in Poland and in South Korea, and – if the latter is higher than the pension amount calculated only on the basis of Polish periods of coverage (national pension) – the person concerned will be awarded the pro-rata pension.

ZUS has awarded the disability pension to a person who has accumulated a 12-year period of coverage in Poland directly before being granted the pension. Such period is sufficient to acquire the right to the disability pension from ZUS. The person concerned has also completed a 3-year period of coverage in South Korea. In this case ZUS will calculate the pension amount in the following way:

- *on the one hand it will determine the pension based only on the Polish period of coverage, equal to 12 years (full national benefit),*
- *on the other hand it will determine the pro-rata pension – i.e. first it will calculate a theoretical amount of the pension based on the 15-year totalized period accumulated in Poland and in South Korea, and subsequently it will calculate the pro-rata pension, which in the described case equals 12/15 of the theoretical amount,*
- *finally it will compare amounts calculated in both variants and will award the benefit in amount more favourable to the person concerned.*

► **The Basis for Calculating Pensions from ZUS for Persons who have Accumulated – apart from the Polish Insurance Periods – also Korean Periods of Coverage**

An amount of the old-age pension under the old rules² or the disability pension for persons who have accumulated – apart from the Polish insurance periods – also periods of coverage under the Korean legislation – is based on an average basis for assessment of a contribution to pension insurance (before 1 January 1999 – to social insurance), pursuant to the Polish legislation, from the period of 10 consecutive calendar years selected by the person concerned from the recent 20 calendar years directly preceding the year when the person concerned filed the pension claim. The mentioned 10 calendar years are calculated without consideration of full calendar years of periods completed in South Korea.

If in the period of 20 calendar years directly preceding the year when the person concerned filed the pension claim, the mentioned person had not been insured in Poland, an amount of the pension is based on an average basis for assessment of a contribution to social insurance pursuant to the Polish legislation, from the period of 10 consecutive calendar years directly preceding the year when the person concerned had joined insurance in South Korea for the first time.

On the request of the person concerned an amount of the pension may be also based on an average basis for assessment of a contribution, pursuant to the Polish legislation, from the period of 20 calendar years preceding the year when the person concerned had filed the pension claim, selected from the whole period of insurance in Poland.

Pensions for survivors of persons whose right to the old-age pension under the old rules or to the disability pension had been established before their death, or who had satisfied the requirements to be granted such benefits, are based on the basis for calculating the benefits for which the deceased person was or could be eligible.

► **The Basis for Calculating the Old-Age Pension from ZUS under the New Rules for Persons who have Accumulated – apart from the Polish Insurance Periods – also Korean Periods of Coverage**

The old-age pension for people born after 31 December 1948 awarded under the new principles will be the quotient of the pension calculation basis and average life expectancy³ for persons in the age equal to the retirement age of the claimant.

² This rule applies to persons born before 1 January 1949 and certain persons born after 31 December 1948 but before 1 January 1969.

³ Life expectancy tables – taking into consideration average life expectancy, the same for women and men, expressed in months for the insured person's age – are published on an annual basis by the President of the Central Statistical Office in the Official Journal, in a form of an announcement.

The old-age pension under the new rules is calculated on the basis of amount of contributions paid to the old-age pension insurance after indexation, and the amount of the indexed initial capital.

Family pensions for survivors of persons whose right to the old-age pension had been established before their death under the new rules or who had satisfied the requirements to be granted such benefit, are based on the basis for calculating the benefit for which the deceased person was or could be eligible.

Korean periods of coverage and contributions paid to the Korean pension system are not taken into account in determination of the basis for calculating the old-age pension under the new rules and the pension for survivors of persons whose right to the old-age pension had been established before their death under the new rules or who had satisfied the requirements to be granted such benefit.

► Periods of Coverage Shorter than 12 Months

If the Polish period of coverage is less than 12 months and based on that period there will be no eligibility for the Polish pension, the Polish competent agency is not under obligation to award the pension in respect of the mentioned period.

A woman born before 1 January 1949, applying for an old-age pension under the earlier rules, has completed a 10-month insurance period in Poland. It is not sufficient to acquire the right to the pension from ZUS because the minimum contributory and non-contributory period for her – as a person born before 1949 – is 15 years. The woman concerned has also completed a 21-year period of coverage in South Korea.

As the Polish insurance period is less than 12 months, ZUS has no basis to award her the old-age pension or to take into account the Korean period of coverage for the purposes of awarding the Polish old-age pension. In result ZUS will refuse the right to this pension due to non-satisfaction of a condition of the required insurance period.

Also when the Korean period of coverage is less than 12 months and based on that period there is no eligibility for the Korean pension, the Korean agency is not obliged to award the benefit under the pension system nor to take into account Polish periods. Periods of coverage shorter than 12 months in respect of which no right to the benefit exists under the legislation of South Korea, are taken by ZUS into consideration to determine benefits depending on the length of completed insurance periods.

If the Polish pension was determined with consideration of the Korean period of coverage of less than 12 months, ZUS will calculate the pro-rata pension taking into account the ratio of the Polish period of coverage to total period accumulated in Poland and Korea.

A woman born before 1 January 1949, applying for an old-age pension, has completed an insurance period in Poland of 14 years and 2 months, i.e. 170 months. She has also completed the 10-month period of coverage in South Korea, not sufficient to acquire the right to Korean benefit (in this case the Korean agency is not obliged to award the benefit).

In order to establish the right to the Polish old-age pension, ZUS will take into account the 10-month Korean period and will calculate a pro-rata pension (in proportion 170/180 of the theoretical amount in respect of the 180-month period of coverage completed in Poland and in South Korea).



Death grant

ZUS awards and pays the death grant, with application of the national legislation. The fact that the death took place in the territory of South Korea or that the funeral took place in that State is no obstacle to payment of the grant.

On the request of the person concerned who resides in the territory of South Korea, the death grant may be transferred to his or her place of residence.

More detailed information on death grant awarded by ZUS under the Polish legislation is available at a website: www.zus.pl.



Pension for Persons who have Accumulated only Polish Insurance Periods and Reside in the Territory of South Korea

Where a pension claimant has accumulated only insurance periods under the Polish legislation, but resides in the territory of South Korea, pension entitlement is established only by ZUS, in accordance with the Polish legislation.

The mentioned person may be granted the benefit in Poland if he or she satisfies the requirements under the Polish legislation.

S/he may also claim the benefit from ZUS through the Korean agency, NPS (see p. 14-16 of the brochure).



Evaluation of Incapacity for Work for Pension Purposes

Evaluation of incapacity for work, assessment of the degree of disability, date of its occurrence, permanency or expected duration as well as other circumstances related to incapacity for work affecting the right to the pension, fall within the competence of ZUS evaluating doctor, and if the decision of ZUS doctor is appealed against – within the competence of ZUS medical board.

The mentioned bodies issue a decision also when the pension claimant resides in South Korea. In such case ZUS evaluating doctor evaluates incapacity for work on the basis of medical evaluation by a medical practitioner in charge of the person concerned or on the basis of medical documentation supplied by the person claiming the benefit depending on disability for work.

Pursuant to the Polish legislation, a person incapable of work means a person who has lost, completely or partly, earning capacity due to disturbance of body fitness and retraining does not promise the restoration of such earning capacity. There is distinguished:

- complete incapacity for work – certified in a case of a person who has lost capability for any work, or
- partial incapacity for work – certified in a case of a person who has lost – to a considerable degree – capability for work corresponding to his or her level of qualifications.

And the inability for independent existence is certified in a case of body impairment which requires permanent or long-term care and assistance of other person in satisfaction of primary living needs.

The Social Insurance Institution is not bound by assessment of the degree of disability made by the Korean agency for the purposes of establishing disability benefits, based on the Korean legislation.



Where to File and how to Draw up a Pension Claim?

► Parallel Investigation of Entitlements to Polish and Korean Pensions

A person who has accumulated periods of coverage in Poland and in South Korea should file his or her pension claim with the insurance agency of one of State Parties to the Agreement. It means that it is not necessary to file a separate application in each State.

Such application automatically triggers off the procedure of pension entitlements' investigation in both States where the person concerned has been covered by insurance, and the date of the application is binding upon institutions of both State Parties to the Agreement.

Important: An application for a benefit to be established by ZUS should include all necessary identification numbers, and namely: a personal identification number **PESEL** and **tax identification number NIP**, and – if the insured person has not been assigned any of these numbers – **series and number of the Country Identity Card or Passport** (it also applies to foreign passport).

► A Person who Resides in the Territory of Poland

A person who resides in Poland and **has accumulated periods of coverage in Poland and in South Korea** should file his or her pension claim with the competent Polish social insurance institution, i.e. with ZUS or KRUS, depending on the scheme that s/he has been recently subject to.

I ZUS Branch in Łódź – Division for Implementation of International Agreements is a competent Polish agency to investigate the pension claim under the Polish-Korean Agreement on social security (see: p. 19).

A person who resides in Poland may file his or her pension claim directly with the above-mentioned ZUS body, or through the nearest ZUS body in his or her place of residence.

Persons who submit to ZUS claims for benefits with application of the Agreement must fill in an appropriate ZUS form:

- ZUS Rp-1E (*Application for an old-age pension*),
- ZUS Rp-1R (*Application for a disability pension*),
- ZUS Rp-2 (*Application for a survivors' pension*).

The claim should be accompanied with documents justifying the right to Polish benefits and enabling calculation of their amount (such as: insurance cards, employment certificates, certificates ZUS Rp-7, excerpts of registry office records, relevant medical documentation).

An appropriate claim for the Polish benefit should be accompanied with the relevant claim for the Korean benefit: PL-KR 5 (*Application for Korean benefits under the Agreement on Social Security between the Republic of Korea and the Republic of Poland*).

Persons who reside in Poland and claim a benefit depending on incapacity for work from South Korea should also append available medical documentation and form PL-KR 5A (*Medical Report*) filled in by the medical practitioner in charge of the claimant.

Forms of the aforementioned applications are available at the website of the Social Insurance Institution.

After initiating the procedure ZUS forwards the claim for the Korean benefit to the competent Korean agency in Seoul for investigation. The date on which the claim was received by ZUS is binding on the Korean institution.

A person who resides in Poland may also file a claim for Polish and Korean benefits with the South Korean agency. In such situation, the claim for Korean benefits will be investigated by the Korean agency – NPS, and the claim for benefits awarded under the Polish legislation will be forwarded for investigation by the competent Polish agency, i.e. ZUS or KRUS respectively.

A person who resides in Poland and **has accumulated only Korean periods of coverage**, should submit his or her claim for Korean benefits directly to the Korean agency. Such claim may be also submitted through ZUS which will send it to the competent agency in Korea.

► A Person who Resides in the territory of South Korea

A person who resides in South Korea, **but has completed periods of coverage in Poland and in South Korea**, should file his or her pension claim with the competent Korean social insurance agency, i.e. **National Pension Service** (see: p. 19).

Persons claiming Polish and Korean benefits in the Korean agency, should fill in a form provided by this agency for the purpose of acquiring the Korean benefit, while for the purpose of acquiring the Polish benefit from ZUS they should fill in the following forms:

- KR-PL 5 (*Application for the Polish old-age or work disability pension*),
- KR -PL 6 (*Application for the Polish survivors' pension*).
- KR -PL 7 (*Application for payment of the Polish death grant*).

The claim should be accompanied with documents justifying the right to Polish benefits and enabling calculation of their amount. Employment periods should be documented with employers' certificates, certificates of employment or insurance cards with entries on employment made in the course of employment or immediately after termination of the employment relationship.

A certificate of **employment period in Poland** may be issued by:

- the employer based on available personal files of the employee,
- the legal successor of the employer on the basis of personal files of the employee that s/he has taken over,
- the body which stores documents of a liquidated work establishment (a founding body, a supervisory body, archives or documents' storing company).

The detailed information on required evidence is available at the website: www.zus.pl.

The following documents certify **earnings** – for the purposes of calculating the base amount of pension benefits: a certificate issued by the employer on form ZUS Rp-7 or the insurance card with relevant entries on employment periods and received remuneration. Certificate on form ZUS Rp-7 should be issued by the employer or his/her legal successor based on wage and salary documentation. If such documentation is non-existent, the certificate of earnings may be issued based on data contained in personal files of the employee, e.g. in the employment contract, letters of appointment and other letters determining remuneration of a given person. If the person concerned is not able to obtain the required certificates, copies of wage and salary documentation drawn up by the archives or certified copies drawn up by other institutions which store documentation of a given work establishment or by a private documents storage company are allowed.

Persons submitting to the Korean institution an application for the disability benefit from ZUS should also append available medical documentation and form KR-PL 5A (*Medical Evaluation*) filled in by the medical practitioner in charge of the claimant.

Forms of the aforementioned applications are available at the website of the Korean agency – National Pension Service: <http://www.nps.or.kr/>, as well as at the website of the Social Insurance Institution: www.zus.pl.

After initiating the procedure the Korean institution forwards the claim for a Polish benefit for investigation by the competent Polish institution, i.e. ZUS or KRUS respectively. The date on which the claim was received by the Korean institution is binding on ZUS and KRUS.

A person who resides in South Korea may also file a claim for Polish and Korean benefits with ZUS. In such situation a claim for Polish benefits will be investigated by ZUS and a claim for benefits awarded under the Korean legislation will be forwarded for investigation by the competent Korean agency.

A person who resides in South Korea **and has accumulated only Polish periods of coverage**, should submit his or her claim for Polish benefits directly to the Polish institution. Such claim may be also submitted through the Korean institution which will send it to the competent institution in Poland, i.e. ZUS or KRUS.

► A Person who Resides in the Third State

A person concerned who resides in the Third State (other than Poland and South Korea) must file the claim for a pension in respect of periods of coverage accumulated in both States with the competent Polish or Korean institution, depending on the State in which the claimant has been recently covered by social insurance.

The procedure of filing the claim with an agency of a given State, under the principles laid down in the national legislation applied by this agency, was earlier described.

However, there are no obstacles to file the pension claim with an agency of a selected State: Poland or South Korea.



Transfer by ZUS of Benefits to a Person who Resides in South Korea

ZUS benefit for an eligible person who resides in South Korea may be transferred, depending on instructions given to ZUS:

- in Poland – to bank account of the pensioner or to an authorized person who resides in the territory of Poland, or
- in South Korea (to pensioner's bank account in Korea), because a person who receives a pension benefit from ZUS and resides in South Korea may have, on his or her request, the benefit transferred by I ZUS Branch in Łódź – to the bank account in his or her place of residence.

An application for pension transfer to South Korea may be filed with I Branch in Łódź or with ZUS branch which has awarded or has been earlier paying the benefit. In the latter situation the case is transmitted to I ZUS Branch in Łódź – Division for Implementation of International Agreements.

No health insurance contribution to the National Health Fund is imposed on pensions transferred by ZUS to beneficiaries who reside in the territory of South Korea, because South Korean residents are not covered by the health insurance in Poland.

A pension is payable on a monthly basis on a day fixed in ZUS decision as the date of benefit's payment. If the pension amount transferred to South Korea is lower than the minimum pension under the Polish legislation, its payment may be carried out on other than monthly basis (e.g. on a quarterly basis). If the pension is transferred to South Korea, the date of bank transfer is considered as the date of payment.



Overlapping Between Korean and Polish Benefits

The fact that a person with established entitlement to ZUS pension also acquires a pension from the Korean social security system does not result in reduction in or suspension of the right to the pension from ZUS.



Impact of Earnings from Activity Carried out in South Korea on the Pension Received from ZUS

ZUS pensioners are obliged to notify ZUS of earnings and other incomes from activity carried out both in Poland and abroad, also in South Korea, both with Polish and foreign employers. The level of such incomes may affect due amount of ZUS pension. If the amount of foreign incomes exceeds:

- 70% of average monthly earning under the Polish legislation but is not higher than 130% of this earning – the pension is subject to reduction,
- 130% of average monthly earning under the Polish legislation – the pension is suspended.

These rules are not applicable to pensioners who have reached the age of 60 years – for women and 65 years – for men.

Detailed information in this regard is available in ZUS bodies.



Obligations of Pensioners who Reside in South Korea towards ZUS

ZUS pensioners are under obligation to notify ZUS body which is the payer of their benefits of any circumstances affecting their pension entitlement or payment. These circumstances include in particular: changes in personal data (e.g. name, surname) and address data, change in place of residence, changes in a number of bank account, undertaking employment or other gainful activity, the fact of receiving income resulting in benefit reduction or suspension (applicable both to income from activity carried out in the territory of Poland and abroad).

ZUS pensioners are under obligation – on demand of the pension body – to certify with their own signature further entitlement to benefit. ZUS body paying benefits to persons who reside in the territory of South Korea periodically sends to beneficiaries a form titled *Certificate of life and residence* to be completed and sent back to ZUS.

The form should be completed and signed by the pensioner him/herself. Should the pensioner be not able to sign it personally, the form should be signed by a person who actually takes care of the beneficiary. In both cases the signature should be authenticated by a competent body or an authorized person in the place of residence of the mentioned persons or by an authorized person in the Polish diplomatic or consular post.



Where to obtain more Information?

This leaflet has a general character. More detailed information is available at:

- the nearest local body of ZUS,
- ZUS website: www.zus.pl,
- local ZUS body designated to investigate pension claims under the Polish-Korean Agreement and to transfer benefits from ZUS to the place of residence

of beneficiaries in South Korea, i.e.: I ZUS Branch in Łódź – Division for Implementation of International Agreements (Zamenhofa 2, 90-431 Łódź, tel.: + 48 42 638 29 67, + 48 42 638 24 80),

- ZUS Headquarters – playing the role of the liaison body and cooperating with the Korean liaison institution NPS, whose tasks in the field of pension benefits subject to coordination under the Agreement are exercised by the Foreign Pensions Department (Senatorska 10, 00-082 Warszawa, tel.: +48 22 826 05 53, e-mail: drz@zus.pl).

Information on benefits under the Korean national social security system is available:

- in social insurance institution of South Korea: National Pension Service, International Center (9th Fl. Youngpoon Bldg., Cheonggyecheonro, Jongno-gu, Seoul 110-752, Korea),
- in the nearest local body of NPS,
- at the website of the Korean agency: <http://www.nps.or.kr/>.

Warsaw, March 2010

Social Insurance Institution (Foreign Pensions Department)
00-082 Warsaw, 10 Senatorska street
Typesetting and print: ZUS Publishing in Warsaw. Edition of 1000 copies. Order No 970/10.