

The Service Commitment Agreement of EPS-TOPIK

between

**the Philippine Overseas Employment
Administration of the Department of Labor and
Employment**

and

**the Human Resources Development Service of
Korea**

The Service Commitment Agreement of EPS-TOPIK

The Philippine Overseas Employment Administration (hereinafter referred to as 'POEA') and the Human Resources Development Service of Korea (hereinafter referred to as 'HRD Korea'), hereby agree on the Service Commitment Agreement of EPS-TOPIK (hereinafter referred to as 'Agreement') pursuant to the MOU between the Ministry of Employment and Labor of Republic of Korea and the Department of Labor and Employment of Republic of the Philippines.

ARTICLE 1 (Purpose)

The purpose of this Agreement is to set forth duties and necessary matters in support and cooperation of HRD Korea and POEA (hereinafter referred to as 'both parties') for the smooth conducting of EPS-TOPIK administered by HRD Korea.

ARTICLE 2 (Basic Principles)

1. Both parties shall, in the spirit of cooperation, endeavor to implement EPS-TOPIK under the principle of transparency and fairness.
2. POEA shall support and cooperate for establishing EPS-TOPIK related computer infrastructure in the Philippines.
3. POEA shall support request for visa issuance of personnel implementing EPS-TOPIK, as necessary.
4. POEA shall support request for expeditious clearance by the Bureau of Customs of EPS-TOPIK materials and endorse the request of HRD Korea for their exemption from duties, in accordance with applicable laws.
5. HRD Korea shall pay the necessary expenditure (payment for proctors, etc.) for implementing EPS-TOPIK.
6. Only POEA is allowed to be involved in the process of implementing EPS-TOPIK.
7. Based on the consultation with HRD Korea POEA shall provide and establish necessary infrastructure and equipment for implementing EPS-TOPIK and HRD Korea shall support POEA to set up the necessary management system for implementing EPS-TOPIK .
8. HRD Korea and POEA shall take measures to ensure EPS-TOPIK related works to finish in time and guarantee smooth contacts and cooperation.

ARTICLE 3 (Duties of both parties)

1. For EPS-TOPIK, HRD Korea shall:

- a. provide the announcement draft of EPS-TOPIK
- b. provide application forms and examination admission tickets
- c. provide test papers and answer sheet
- d. provide listening comprehension tapes
- e. provide the necessary management system for implementing EPS-TOPIK
- f. deploy necessary managing personnel to the test venues
- g. organize the test
- h. score the answer sheets
- i. announce the test results to POEA and
- j. perform other matters agreed upon by both sides in relation to EPS-TOPIK

2. With close cooperation and coordination with HRD Korea, POEA shall:

- a. provide support for the test announcement
- b. assist and support in distributing and receiving the EPS-TOPIK application form
- c. assist in receiving and conducting the tests and maintaining order at the test sites.
- d. recommend (Philippine) proctors to HRD Korea and notify proctors that they are appointed, and manage and control them
- e. support the request for expeditious clearance by the Bureau of Customs of EPS-TOPIK materials
- f. support for bank account opening and collecting and remitting test fee
- g. conduct orientation and briefing for proctors before the test date
- h. conduct on the test date the prior meeting with the proctors before the EPS-TOPIK based on guidelines provided by HRD Korea
- i. prepare and check the test venues and test-related items.
- j. Cooperate to assign a local bank for the collection of test fee and remittance to HRD Korea.
- k. announce the test results and distribute EPS-TOPIK Certificates to test passers

l. arrange and deploy interpreters and supporting personnel. The cost for interpretation shall be borne by HRD Korea.

m. provide computer related electrical equipment for the application and conduct of EPS-TOPIK and

n. perform any other matters agreed upon by both parties in relation to EPS-TOPIK.

ARTICLE 4 (Announcement and Publicity of EPS-TOPIK)

1. HRD Korea will provide standards for the announcement of EPS-TOPIK to POEA and finally confirm it with the opinion of POEA. If necessary, the type of industry, the maximum number, gender and education background of applicants can be decided by mutual consent of HRD Korea and POEA.
2. POEA shall cooperate to select suitable newspaper(s). If necessary, HRD Korea can select other mass media for the test announcement considering local circumstances.
3. The cost for EPS-TOPIK announcement made at the request of HRD Korea shall be borne by HRD Korea.
4. The announcement shall be publicized in official language in a major daily newspaper which is published nationwide.
5. POEA shall actively promote EPS-TOPIK and the fact "Passing EPS-TOPIK does not guarantee employment."

ARTICLE 5 (Distribution and Registration of Application Form)

1. HRD Korea and POEA will carry out distribution and registration of application forms of EPS-TOPIK.
2. POEA shall support necessary matters regarding registration of application forms of EPS-TOPIK such as registration place(s), supporting personnel and computer-related equipment, etc.
3. POEA shall report the daily result of EPS-TOPIK registration to HRD Korea without any delay after the closing time.
4. POEA shall receive any request for cancellation only during regular working hours of registration period and report it to HRD Korea not later than the closing date of registration. Cancellation of registration can be done only during the registration period. HRD Korea shall take measures to refund 100% of test fee not only for the cancellation but also any disqualification as confirmed by HRD Korea after finalizing the available applicants.
5. POEA shall deploy security personnel such as police officers, etc. at each registration place to ensure the security and maintain order.

ARTICLE 6 (Customs Clearance and Customs Duties Exemption)

1. HRD Korea shall submit necessary documents to competent Philippine authorities for customs clearance and customs duties exemption on EPS-TOPIK related materials.
2. POEA shall support HRD Korea by endorsing the request of HRD Korea for customs clearance and customs duties exemption on EPS-TOPIK related materials (computer, printer, scanner, test papers, and answer sheets, etc.). If necessary, POEA shall submit official required documents to competent authorities on behalf of HRD Korea.

ARTICLE 7 (Test Venue Arrangement)

1. POEA shall select test venue for EPS-TOPIK pursuant to the following criteria:
 - a. The number of test-takers per test room shall not be less than 30 people but not more than 40 people.
 - b. The capacity of each test venue shall be 1,000 people or more, if possible
 - c. The space between desks in each test room shall not be less than 60 centimeters (60cm) in length and width
 - d. Each test room shall have audio equipment for the listening comprehension, if possible.
 - e. POEA shall submit the information of each test venue such as the layout of test room of each test venue and capacity of the test venue, etc, within 7 days from closing of EPS-TOPIK registration.
 - f. POEA shall support the personnel from HRD Korea to inspect the test venues in advance.

ARTICLE 8 (Recommendation and Notification of/to Proctors)

1. POEA shall recommend Philippine proctors to HRD Korea and notify the proctors that they are appointed by HRD Korea as a proctor. The proctors shall meet the following requirements:
 - a. Civil servants or public sector personnel
 - b. Professors, teachers or faculty members in universities, schools or educational institutes, etc. (except private education institutions which are concerned with Korean language training); and
 - c. Others who meet the requirements offered by HRD Korea
2. HRD Korea will confirm the proctors, and POEA shall manage and control them.

ARTICLE 9 (Prior Meeting for Proctor of EPS-TOPIK)

1. POEA shall be responsible for conducting the prior meeting for proctors and other concerned personnel before conducting EPS-TOPIK, as follows:

- a. conduct the orientation and briefing before the test day
- b. conduct the meeting on the test day itself
- c. Prepare the meeting with the education materials from HRD Korea
- d. Summon the proctors to the meeting
- e. Prepare the meeting room as well as necessary equipment such as audio system(s), chairs and desks and;
- f. Arrange interpreters at each meeting place and prepare other necessary matters which are specified herein.

ARTICLE 10 (Preparation and Inspection of Test Venues for EPS-TOPIK)

1. POEA shall prepare the test venues on the day before EPS-TOPIK as follows:
 - a. arrange chairs and desks in each test room
 - b. stick the signs such as test room number and notices
 - c. post direction signs around the test place
 - d. prepare a bell-ringing system to indicate start and finish of the test; and
 - e. check other necessary things to prepare the test
2. POEA shall cooperate with HRD Korea for inspecting the test venues.

ARTICLE 11 (Assistance in Delivery and Safekeeping of Test Papers, etc.)

POEA shall extend support for delivery and safekeeping of test papers and answer sheets upon request of HRD Korea and provide suitable place for safekeeping.

ARTICLE 12 (Assistance and Cooperation on EPS-TOPIK Test Date)

1. HRD Korea shall conduct the following matters on the test day of EPS-TOPIK:
 - a. deploy managing personnel to each test venue
 - b. administer and guide the test
 - c. provide test papers and answer sheets to each test venue
 - d. take necessary measures with POEA to manage emergency cases; and
 - e. perform other necessary matters agreed upon by both parties

2. POEA shall conduct the following matters at each test place on the test day
 - a. guide test takers to their test rooms
 - b. deploy interpreters at each test venue
 - c. check attendance of proctors, and arrange a proctor replacement or substitution if absent;
 - d. cooperate on administration like paying an allowance to Philippine proctors
 - e. manage and control the Philippine proctors and supporting staff.
 - f. deploy security personnel such as police officers to each test venue to ensure security and maintain order
 - g. when any illegitimate act has occurred or is highly probable, immediately report it to HRD Korea and take necessary steps according to guidelines of HRD Korea
 - h. monitor and prevent fraudulent acts in the test room
 - i. manage emergency patients
 - j. perform other necessary matters such as dispatch of POEA staff, etc. and other necessary matters agreed upon by both parties.
3. POEA shall support and cooperate in the smooth implementation of EPS-TOPIK upon the request of HRD Korea.

ARTICLE 13 (Collection and Remittance of Test Fees, etc.)

1. The test fee, which is US \$24 per single individual, shall be collected from applicants receiving EPS-TOPIK application form. If the test fee shall be collected as a local currency, the amount of test fee is decided by the prior consultation between both sides based on an official exchange rate.
2. POEA shall guarantee the smooth collection of test fee. Bank Service fee shall be paid from the expenditure under clause 2-c of Article 15
3. POEA shall cooperate to facilitate the remittance to Korea of the collected test fee in US dollars to a designated bank of HRD Korea in accordance with necessary administrative requirements and procedures provided under existing applicable laws. (Remittance fee shall be paid by HRD Korea)
4. Per BIR ruling dated October 23, 2009 (#020-2009), the test fee is not subject to tax.

ARTICLE 14 (Test Result Announcement and Distribution of EPS-TOPIK Certificate)

1. POEA shall announce the test results provided by HRD Korea and distribute EPS-TOPIK certificates to the test-passers.

2. POEA shall introduce test passers to make a job application only after taking a medical check-up
3. POEA shall announce the EPS-TOPIK result on the date of result announcement.

ARTICLE 15 (Expenditure Required On-Site)

1. POEA shall cooperate to handle within reasonable budget range, not exceeding 6 USD per applicant, as agreed upon, for the matter pursuant to Paragraph 2 of Article 3 and Articles 5,7,8,9,10,11,12,13&14.
2. The expenditure mentioned in Paragraph 1 of Article 15 covers the following expenses:
 - a. rent for registration place, test venues and places for the prior meeting of Article 9, other rental fee for equipment facilities related to EPS-TOPIK
 - b. Allowance of supporting personnel for application procedure, test place set-up and allowance for test related personnel (test room proctor, secondary proctor, headquarters' staff, maintenance staff, and traffic controller, etc.). However, HRD Korea shall pay allowance for the proctors selected by HRD Korea as its request.
 - c. Bank Service fee (local remittance)

ARTICLE 16(Computer Based Test [CBT])

1. POEA shall support and cooperate in the implementation of CBT by providing the space and venue.
2. HRD Korea shall provide computer infrastructure needs that may be required for the implementation of the CBT.
3. POEA and HRD Korea shall issue necessary guidelines and mechanics for the smooth implementation of the CBT.

ARTICLE 17 (Dispute and Settlement)

Both parties agree to settle any dispute through friendly consultation.

ARTICLE 18 (Transfer of Rights and Obligations)

HRD Korea and POEA shall not transfer rights and obligations in this Agreement to any third party without prior consent.

ARTICLE 19(Term of Validity)

This agreement shall enter into effect upon signing by both parties and it will remain valid as long as the MOU between the Ministry of Employment and Labor of Republic of Korea and the Department of Labor and Employment of Republic of the Philippines remains in effect, including during any period of extension or, after renewal of the MOU.

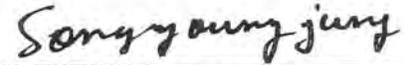
In witness whereof, the Parties have signed this Agreement written in English on day of _____, 2012 by their respective duly authorized representative in duplicate and have kept each copy

For the POEA



ATTY. HANS LEO J. CACDAC
Administrator of
Philippine Overseas Employment Administration
Department of Labor and Employment
Republic of the Philippines

For the HRD KOREA



MR. YOUNG-JUNG SONG
President of Human Resources
Development Service of Korea
Republic of Korea