

# MARINE ENVIRONMENT MANAGEMENT ACT

Act No. 8371, Apr. 11, 2007  
Amended by Act No. 8377, Apr. 11, 2007  
Act No. 8379, Apr. 11, 2007  
Act No. 8380, Apr. 11, 2007  
Act No. 8404, Apr. 27, 2007  
Act No. 8788, Dec. 21, 2007  
Act No. 8852, Feb. 29, 2008  
Act No. 9037, Mar. 28, 2008  
Act No. 9454, Feb. 6, 2009  
Act No. 9626, Apr. 22, 2009  
Act No. 9773, jun. 9, 2009  
Act No. 9872, Dec. 29, 2009  
Act No. 10219, Mar. 31, 2010  
Act No. 10272, Apr. 15, 2010  
Act No. 10911, Jul. 25, 2011  
Act No. 11479, jun. 1, 2012  
Act No. 11597, Dec. 18, 2012  
Act No. 11690, Mar. 23, 2013  
Act No. 12549, Mar. 24, 2014  
Act No. 12844, Nov. 19, 2014  
Act No. 13084, Jan. 28, 2015  
Act No. 13383, jun. 22, 2015

## **Article 1 (Purpose)**

The purpose of this Act is to clarify the responsibilities of the people and the State to preserve and manage the marine environment and prescribe basic matters regarding the preservation of the marine environment, thereby contributing to improving the quality of people's lives by preventing any harm which may be caused by a deteriorating marine environment and marine pollution and by creating a clean and safe marine environment.

## **Article 2 (Definitions)**

The terms used in this Act shall be defined as follows: <Amended by Act No. 8379, Apr. 11, 2007; Act No. 8404, Apr. 27, 2007; Act No. 8788, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9773, Jun. 9, 2009; Act No. 9872, Dec. 29, 2009; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12300, Jan. 21, 2014>

1. The term "marine environment" means the natural and living conditions at sea, including organisms inhabiting the sea, abiological environments surrounding such organisms, such as seawater, land at sea, and marine atmosphere, and human behavioral patterns at sea;
2. The term "marine pollution" means the state that substances or energy flowing into the sea or generated at sea adversely affect or are feared to adversely affect the marine environment;
3. The term "discharge" means the draining or dumping of pollutants, etc. or the leakage or eruption of pollutants, etc.: Provided, That the draining, dumping, leakage or eruption of pollutants, etc. for academic purposes, such as conducting surveys and research to mitigate or prevent, or eliminate marine pollution, shall be excluded;
4. The term "waste" means a useless substance as it is when discharged into the sea and adversely affects or is feared to adversely affect the marine environment (excluding substances referred to in subparagraphs 5, 7, and 8);
5. The term "oil" means crude oil and petroleum products (excluding petroleum gas) provided for in the Petroleum and Petroleum Substitute Fuel Business Act, liquid oil mixtures containing them (hereinafter referred to as "emulsion mixtures"), and waste oil;
6. The term "ballast water" means any water taken on board a vessel to help the vessel to maintain its balance;
7. The term "noxious liquid substance" means liquid substances (excluding oil) which adversely affect or are feared to adversely affect the marine environment and mixed liquid substances containing such substances, which are determined by Ordinance of the Ministry of Oceans and Fisheries;
8. The term "harmful substance in packaged form" means harmful substances transported by ship in packaged form, which are determined by Ordinance of the Ministry of Oceans and Fisheries as they adversely affect or are feared to adversely affect the marine environment when discharged into the sea;
9. The term "harmful anti-fouling paint" means paints used to restrict or prevent the attachment of organisms to ships, marine facilities, etc. (hereinafter referred to as "anti-fouling paints"), which are determined by Ordinance of the Ministry of Oceans and Fisheries as containing ingredients destroying organisms, such as organotin;
10. The term "residual organic pollutant" means chemical substances determined by Ordinance of the Ministry of Oceans and Fisheries, which continuously cause acute or chronic toxicity or are carcinogenic over a long period when flowing into the sea and accumulated in organisms;
11. The term "pollutant" means wastes, oil, noxious liquid substances, or harmful substances in package form which adversely affect or are feared to adversely affect the marine environment when flowing or discharged into the sea;

12. The term "ozone layer-depleting substance" means substances defined in subparagraph 1 of Article 2 of the Act on the Control, etc. of Manufacture of Specific Substances for the Protection of the Ozone Layer;

13. The term "air pollutant" means ozone layer-depleting substances, volatile organic compounds, air pollutants defined in subparagraph 1 of Article 2 of the Clean Air Conservation Act, and carbon dioxide among greenhouse gases defined in subparagraph 3 of the same Article;

14. The term "sulphur oxide emission control sea area" means the sea areas determined by Ordinance of the Ministry of Oceans and Fisheries, which need measures to specially control the emission of sulphur oxides from ships in order to prevent air pollution and adverse effects on land and sea resulting therefrom;

15. The term "volatile organic compound" means oil and noxious liquid substances among hydrocarbons, which fall under subparagraph 10 of Article 2 of the Clean Air Conservation Act;

16. The term "ship" means things (including those with an outboard motor) used or usable for navigation above or below water, and fixed or floating oil-prospecting ships, and platforms determined by Ordinance of the Ministry of Oceans and Fisheries;

17. The term "marine facility" means facilities or structures determined by Ordinance of the Ministry of Oceans and Fisheries, which are continuously installed or placed in, or thrown into sea areas (including harbors defined in subparagraph 1 of Article 2 of the Harbor Act; hereinafter the same shall apply) or between a sea area and land;

18. The term "bilge water" means emulsion mixtures stagnating at the bottom of a ship;

19. The term "port management authority" means the management authorities under Article 20 of the Harbor Act, fishery harbor management authorities under Article 35 of the Fishing Villages and Fishery Harbors Act, and port authorities under the Port Authority Act;

20. The term "sea area management authority" means Metropolitan City Mayors, Do Governors, and Special Self-Governing Province Governors (hereinafter referred to as "Mayors/Do Governors") in cases of the territorial sea and internal waters under the Territorial Sea and Contiguous Zone Act, and the Minister of Oceans and Fisheries in cases of any of the following:

(a) An exclusive economic zone defined in Article 2 of the Exclusive Economic Zone Act and other sea areas prescribed by Presidential Decree;

(b) A sea area inside a harbor prescribed by Presidential Decree;

21. The term "ship energy efficiency" means the amount of energy used by a ship in connection with freight transportation, which is shown as carbon dioxide generation ratio;

22. The term "ship energy efficiency design index" means an index showing the amount of carbon dioxide emitted by a ship in transporting one ton of cargo one nautical mile, which is calculated by the method prescribed and publicly announced by the Minister of Oceans and Fisheries.

### **Article 3 (Scope of Application)**

(1) This Act shall apply to the management of the marine environment in the following sea areas, water zones, zones, ships, marine facilities, etc.: Provided, That the management of the marine environment and the prevention of marine pollution related to radioactive substances shall be governed by the Nuclear Safety Act: <Amended by Act No. 10911, Jul. 25, 2011>

1. Territorial sea provided for in the Territorial Sea and Contiguous Zone Act and sea areas determined by Presidential Decree;
2. Exclusive economic zones defined in Article 2 of the Exclusive Economic Zone Act;
3. Environmental management sea areas designated under Article 15;
4. Submarine mining areas designated pursuant to Article 3 of the Submarine Mineral Resources Development Act.

(2) This Act shall apply to the prevention of marine pollution caused by ships of the Republic of Korea defined in Article 2 of the Ship Act (hereinafter referred to as "Korean ships") outside the sea areas, water zones, and zones referred to in each subparagraph of paragraph (1).

(3) This Act shall apply where ships other than Korean ships (hereinafter referred to as "foreign ships") are sailing or anchored inside the sea areas, water zones and zones referred to in each subparagraph of paragraph (1): Provided, That Articles 32, 49 through 54, 54-2, 56 through 58, 60, 112, and 113 shall not apply to foreign ships on international voyages. <Amended by Act No. 11597, Dec. 18, 2012>

(4) Except as otherwise expressly provided for in this Act, the sulphur content standards for fuel oil under Article 44 and the quality standards for fuel oil under Article 45 shall be governed by the Petroleum and Petroleum Substitute Fuel Business Act and the Clean Air Conservation Act.

(5) Except as otherwise expressly provided for in this Act, the disposal of pollutants shall be governed by the Wastes Control Act, the Water Quality and Aquatic Ecosystem Conservation Act, the Sewerage Act, and the Act on the Management and Use of Livestock Excreta. <Amended by Act No. 10803, Jun. 15, 2011>

(6) Except as otherwise expressly provided for in this Act, the permissible emission levels of air pollutants, including nitrogen oxides, generated by the diesel engines of ships shall be governed by the Clean Air Conservation Act.

#### **Article 4 (Relations with International Conventions)**

Where the standards for the marine environment and marine pollution, which are determined by an international convention internationally in force conflict with the matters provided for in this Act, the international convention shall prevail: Provided, That the same shall not apply to cases where the matters provided for in this Act contain higher standards than those in the international convention.

#### **Article 5 (Responsibilities of State, etc.)**

(1) The State and local governments shall formulate and implement policies necessary for the appropriate preservation and management of the marine environment, such as the prevention of harm which may be inflicted by marine pollution and restoration of a deteriorating marine environment.

(2) Any person who engages in an activity or a business which affects the marine environment, such as development or usage at sea, shall take measures necessary to minimize marine pollution and deterioration

of the marine environment.

(3) Every national shall have the right to live in a healthy and comfortable marine environment and have the duty to positively cooperate in the policies that the State and local governments implement for the preservation and management of the marine environment.

#### **Article 6 (Facilitating Science and Technology and International Cooperation Related to Marine Environment)**

(1) The Minister of Oceans and Fisheries shall devise measures to develop science and technology necessary for efficiently managing the marine environment and improving ship energy efficiency, and to facilitate the development of related industries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may carry out necessary programs in cooperation with foreign governments or marine environment-related international organizations to make joint efforts in the preservation and management of the marine environment, prevention of marine pollution, and improvement of ship energy efficiency. In such cases, he/she may require relevant Korean research institutes, academic organizations, etc. to participate jointly in such programs. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries may provide necessary support to the relevant research institutes and academic organizations jointly involved pursuant to the latter part of paragraph (2) within budgetary limits. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) Matters regarding the kinds of international cooperation programs, and co-participating organizations in such programs and support therefor, etc. under paragraphs (2) and (3) shall be determined by Presidential Decree.

#### **Article 7 (Polluter-Pays Principle)**

Any person whose act or business activity results in the deterioration of the marine environment or marine pollution (hereinafter referred to as "polluter") shall, in principle, be liable to restore the deteriorating or polluted marine environment and to bear the expenses associated with the rectification of the damage caused by such deterioration or pollution of the marine environment.

#### **Article 8 (Marine Environmental Standards)**

(1) The Minister of Oceans and Fisheries shall determine and publicly announce standards for the marine environment (hereinafter referred to as "marine environmental standards") by sea area and purpose of use, which are required to implement policies for preserving the marine environment under Article 13 of the Framework Act on Marine Fishery Development, considering the environmental standards referred to in Article 13 of the Framework Act on Environmental Policy. In such cases, the Minister of Oceans and Fisheries shall first seek opinions from the heads of relevant administrative agencies. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10893, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*

(2) Any Mayor/Do Governor may determine and publicly announce marine environmental standards separately for the proper use and development of marine resources, the preservation of the marine

environment, etc. in the waters under his/her jurisdiction, referring to the marine environmental standards determined by the Minister of Oceans and Fisheries pursuant to paragraph (1). In such cases, when the Mayor/Do Governor intends to determine or revise the marine environmental standards for the waters under his/her jurisdiction, he/she shall obtain prior approval from the Minister of Oceans and Fisheries.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) The method of determining the marine environmental standards under paragraphs (1) and (2) and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 9 (Marine Environmental Measuring Network)**

(1) In order to measure or examine the state of the marine environment and sources of pollution in coastal waters, the Minister of Oceans and Fisheries shall organize marine environmental measuring networks, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and measure the marine environment on a regular basis. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Any Mayor/Do Governor may separately organize marine environmental measuring networks fit for the waters under his/her jurisdiction, referring to the marine environmental measuring networks organized by the Minister of Oceans and Fisheries pursuant to paragraph (1). In such cases, when the Mayor/Do Governor intends to organize marine environmental measuring networks in the waters under his/her jurisdiction or change any details thereof, he/she shall give prior notice thereof to the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 10 (Korean Standard Method of Examination for Marine Environment)**

The Minister of Oceans and Fisheries shall determine and publicly announce the Korean standard method of examination for the marine environment to ensure accuracy and consistency in surveying and assessing the state of the marine environment, such as the organization, operation, etc. of marine environmental measuring networks under Article 9 (1). In such cases, if Korean Industrial Standards have been published under Article 12 (1) of the Industrial Standardization Act in connection with the Korean standard method of examination for the marine environment, the Korean Industrial Standards shall prevail, except under special circumstances. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13084, Jan. 28, 2015>*

#### **Article 11 (Marine Environmental Information Networks)**

(1) The Minister of Oceans and Fisheries shall build marine environmental information networks and provide information on the marine environment to citizens, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) If necessary to build marine environmental information networks under paragraph (1), the Minister of Oceans and Fisheries may request the heads of relevant administrative agencies to submit necessary data. In such cases, the heads of the relevant administrative agencies shall comply therewith, except under special circumstances. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Matters necessary for building, operating, and managing marine environmental information networks under paragraphs (1) and (2) and other matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 12 (Accuracy Control for Marine Environmental Measuring and Analyzing Institutes)**

(1) With respect to institutes, as determined by Presidential Decree, which measure and analyze the state of the marine environment (hereinafter referred to as "measuring and analyzing institute"), the Minister of Oceans and Fisheries may take necessary measures (hereinafter referred to as "accuracy control"), including evaluation of their measuring and analyzing capabilities, provision of relevant educational programs, verification of measurement and analysis-related materials, etc., as prescribed by Ordinance of the Ministry of Oceans and Fisheries, to ensure accurate and reliable measurement and analysis of the marine environment. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) If deemed necessary upon accuracy control for a measuring and analyzing institute, the Minister of Oceans and Fisheries may order such institute to improve or supplement relevant equipment and devices or to take other necessary measures. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 13 (Certification of Measuring and Analyzing Capabilities)**

(1) The Minister of Oceans and Fisheries may certify the capabilities of a measuring and analyzing institute deemed in compliance with the measuring and analyzing standards determined by Ordinance of the Ministry of Oceans and Fisheries upon accuracy control. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall conduct regular accuracy control for measuring and analyzing institutes, the measuring and analyzing capabilities of which are certified under paragraph (1), every three years, and renew such certification accordingly: Provided, That where any changes are made to any details of the certified measuring and analyzing capabilities, which fall under the matters determined to be important by Ordinance of the Ministry of Oceans and Fisheries, he/she shall conduct accuracy control at any time and renew the certification of measuring and analyzing capabilities accordingly. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) If a person whose measuring and analyzing capabilities have been certified falls under any of the following, the Minister of Oceans and Fisheries shall revoke his/her certification: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. If he/she has obtained the certification by fraud or other illegal means;
2. If he/she fails to comply with the measuring and analyzing standards under paragraph (1) upon accuracy control under paragraph (2);
3. Other cases in which the certification of measuring and analyzing capabilities is inappropriate and which fall under the grounds prescribed by Presidential Decree.

(4) Procedures for filing an application for the certification of measuring and analyzing capabilities under paragraphs (1) and (2), issuance of a certificate, and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690,

*Mar. 23, 2013>*

#### **Article 14 (Formulation, etc. of Comprehensive Plans for Marine Environment)**

(1) In order to prevent hazards caused by the deterioration of the marine environment or marine pollution, and to create a clean and safe marine environment, the Minister of Oceans and Fisheries shall formulate and implement a comprehensive plan for the marine environment, every ten years, as prescribed by Presidential Decree. In such cases, the Minister of Oceans and Fisheries shall first consult with the heads of relevant central administrative agencies. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

(2) A comprehensive plan for the marine environment shall be confirmed after deliberation by the Maritime Affairs and Fisheries Development Committee under Article 7 of the Framework Act on Marine Fishery Development. *<Amended by Act No. 9454, Feb. 6, 2009; Act No. 10803, Jun. 15, 2011>*

(3) A comprehensive plan for the marine environment shall include the following: *<Amended by Act No. 10803, Jun. 15, 2011>*

1. Matters concerning the current status and future prospects of the marine environment;
2. Matters concerning direction-setting for policies to preserve the marine environment;
3. Matters concerning measures to prevent marine pollution and improve the marine environment;
4. Matters concerning securing financial resources for marine environmental conservation;
5. Matters concerning fostering experts in the marine environment;
6. Matters concerning the development of scientific technology and international cooperation related to marine environmental conservation;
7. Other matters prescribed by Presidential Decree, which are necessary to prevent hazards caused by the deterioration of the marine environment or marine pollution, and to create a clean and safe marine environment.

(4) When the Minister of Oceans and Fisheries has formulated a comprehensive plan for the marine environment under paragraph (1), he/she shall give notice thereof to the heads of relevant administrative agencies, and the heads of the relevant administrative agencies, upon receipt of such notice, shall take measures necessary for the implementation thereof. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

(5) If necessary to formulate a comprehensive plan for the marine environment under paragraph (1), the Minister of Oceans and Fisheries may request the heads of relevant administrative agencies to submit necessary data. In such cases, the heads of the relevant administrative agencies shall comply therewith, except under special circumstances. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

#### **Article 15 (Designation and Management of Environmental Management Sea Areas)**

(1) If deemed necessary to preserve and manage the marine environment, the Minister of Oceans and Fisheries may designate and manage environmental preservation sea areas and specially-managed sea areas (hereinafter referred to as "environmental management sea areas") as classified in the following. In



such cases, he/she shall first consult with the heads of relevant administrative agencies: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Environmental preservation sea areas: Any of the following sea areas prescribed by Presidential Decree (including land which directly affects marine pollution):

(a) Sea areas designated as specific-use areas for protecting and fostering fishery resources, from among natural environmental conservation areas provided for in subparagraph 4 of Article 6 of the National Land Planning and Utilization Act;

(b) Sea areas which have the well-preserved marine environment and ecosystems and require continuous preservation;

2. Specially-managed sea areas: Sea areas prescribed by Presidential Decree, in which it is impracticable to meet the marine environmental standards under Article 8 (1) or there is substantial or potential obstacles to preserving the marine environment and ecosystems (including land which directly affects marine pollution).

(2) Where the results of the measurement and examination of the state of the marine environment and sources of pollution in an environmental preservation sea area fail to meet the marine environmental standards under Article 8 (1), and thus it is deemed likely to cause a serious damage to the health of citizens or the birth and breeding of living things, the Minister of Oceans and Fisheries may restrict the installation or modification of facilities determined by Presidential Decree within the environment preservation sea area in question. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where the results of the measurement and examination of the state of the marine environment and sources of pollution in a specially-managed sea area fail to meet the marine environmental standards under Article 8 (1), and thus it is deemed likely to cause a serious damage to the health of citizens and the birth and breeding of living things, the Minister of Oceans and Fisheries may take the following measures: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Restricting the installation or modification of facilities in the specially-managed sea area;

2. Controlling the total quantity of pollutants discharged from places of business located in the specially-managed sea area.

(4) Facilities, the installation or modification of which is restricted pursuant to each subparagraph of paragraph (3), details of restriction, scope of sea areas in which the total quantity of pollutants is controlled, items and method of control, and other necessary matters shall be determined by Presidential Decree.

#### **Article 16 (Formulation, etc. of Master Plans for Environmental Management Sea Areas)**

(1) With respect to environmental management sea areas, the Minister of Oceans and Fisheries shall formulate a master plan for environmental management sea areas, including the following, every five years, and shall formulate and implement a management plan by sea area which aims at environmental conservation in a specific sea area after customizing the master plan for environmental management sea areas. In such cases, he/she shall first consult with the heads of relevant administrative agencies: <Amended

*by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

1. Matters concerning observation of the marine environment;
2. Matters concerning the examination and research of sources of pollution;
3. Matters concerning measures for the preservation and improvement of the marine environment;
4. Matters concerning assistance to residents, following environmental management;
5. Other matters prescribed by Presidential Decree, which are necessary for the management of environmental management sea areas.

(2) Master plans for environmental management sea areas shall be confirmed through deliberation by the Maritime Affairs and Fisheries Development Committee under Article 7 of the Framework Act on Marine Fishery Development. *<Amended by Act No. 9454, Feb. 6, 2009; Act No. 10803, Jun. 15, 2011>*

(3) When the Minister of Oceans and Fisheries has formulated a master plan for environmental management sea areas and management plans by sea area, he/she shall notify the heads of relevant administrative agencies thereof, and the heads of the relevant administrative agencies shall take necessary measures for the implementation thereof. *<Amended by Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

(4) If necessary to formulate and implement management plans by sea area, the Minister of Oceans and Fisheries may separately operate a project management task force, which is comprised of public officials belonging to relevant central administrative agencies and local governments, experts, etc. In such cases, matters necessary for its composition and operation shall be determined by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

**Article 17 Deleted.** *<by Act No. 9454, Feb. 6, 2009>*

#### **Article 18 (Marine Environmental Improvement Measures)**

(1) Any sea area management authority may take the following marine environmental improvement measures, as prescribed by Presidential Decree, if deemed necessary to prevent marine pollution caused by the inflow or accumulation, etc. of pollutants and to improve the marine environment: *<Amended by Act No. 8852, Feb. 29, 2008; Amended by Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*

1. Installation of facilities that prevent the inflow of pollutants;
2. Collection and disposal of pollutants;
3. Collection of polluted sediments;
4. Other projects determined by Ordinance of the Ministry of Oceans and Fisheries, which are necessary to improve the marine environment.

(2) Where a sea area or zone subject to marine environmental improvement measures referred to in paragraph (1) extends over the jurisdictions of at least two Mayors/Do Governors or in any other case prescribed by Presidential Decree, the Minister of Oceans and Fisheries may take marine environmental improvement measures referred to in paragraph (1) in sea areas or zones falling under any subparagraph of Article 3 (1). In such cases, the Minister of Oceans and Fisheries shall first consult with the relevant Mayors/Do Governors. *<Newly Inserted by Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries may examine the sources of pollution in the marine environment in sea areas or zones referred to in the subparagraphs of Article 3 (1), as prescribed by Ordinance of the Ministry of Oceans and Fisheries, if deemed necessary to preserve or manage the marine environment, or to prevent marine pollution. In such cases, the Minister of Oceans and Fisheries may request the head of a relevant administrative agency to jointly examine the polluted sea areas and facilities from which pollutants are discharged. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*

(4) If deemed necessary upon examination of sources of pollution in the marine environment under paragraph (3), the Minister of Oceans and Fisheries may require a polluter to take a marine environmental improvement measure referred to in any subparagraph of paragraph (1). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*

(5) Methods of installing facilities preventing the inflow of pollutants, methods of collecting and disposing of pollutants, methods of collecting polluted sediments, etc. in connection with the marine environmental improvement measures referred to in paragraph (1), and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*

#### **Article 19 (Marine Environmental Improvement Charges)**

(1) The Minister of Oceans and Fisheries shall impose and collect a marine environmental improvement charge (hereinafter referred to as "charge") with respect to the following acts that have a significant impact on the marine environment and marine ecosystems: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

1. Discharging wastes to the sea by a person who engages in the ocean waste discharge business under Article 70 (1) 1 (hereinafter referred to as "ocean waste discharge business entity");
2. Discharging pollutants at least in the quantity prescribed by Presidential Decree from ships or marine facilities.

(2) No charge shall be imposed where the discharge of pollutants referred to in paragraph (1) 2 falls under any of the following: *<Newly Inserted by Act No. 10803, Jun. 15, 2011>*

1. Where such discharge is caused by a war, natural disaster, or a force majeure;
2. Where such discharge is caused only by the intention of a third person: Provided, That it shall be limited to cases where there is no defect in the installation and management of ships or marine facilities;
3. Where such discharge occurs outside sea areas or waters referred to in Article 3 (1) 1 and 2, which is the case prescribed by Presidential Decree.

(3) The kind and quantity of a pollutant discharged shall be considered in the calculation of a charge that is imposed by applying the imposition coefficients by the kinds of pollutants to the amount calculated by multiplying the quantity of the pollutant discharged by the amount of charge per unit. In such cases, the discharged quantity and the amount of charge imposed per unit on a pollutant, imposition coefficients by the kinds of pollutants, etc. shall be prescribed by Presidential Decree. *<Amended by Act No. 10803, Jun. 15,*

2011>

(4) The Minister of Oceans and Fisheries may allow persons liable to pay such charges in installments. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

(5) The Minister of Oceans and Fisheries shall contribute charges collected under paragraph (1) and surcharges collected under Article 20 (2) to the Fisheries Development Fund under Article 46 of the Framework Act on Fishers and Fishing Villages Development (hereinafter referred to as "Fund"). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9626, Apr. 22, 2009; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13383, Jun. 22, 2015>

(6) Procedures for the collection of charges under paragraphs (1) and (3), and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 10803, Jun. 15, 2011>

#### **Article 20 (Compulsory Collection of Charges)**

(1) Where a person liable to pay a charge pursuant to Article 19 fails to make payment by the due date, the Minister of Oceans and Fisheries shall issue a reminder to such person, setting a period of at least 30 days. In such cases, he/she shall collect a surcharge prescribed by Presidential Decree within up to 5/100 of the charge in arrears. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where a person in receipt of a reminder under paragraph (1) fails to pay a charge and surcharge by the specified due date, they may be collected in the same manner as national taxes in arrears.

#### **Article 21 (Usage of Charges)**

The charges contributed to the Fund pursuant to Article 19 (5) shall be used for the following projects: <Amended by Act No. 10803, Jun. 15, 2011>

1. Project for the prevention of marine pollution and restoration of the marine environment;
2. Project for the preservation and management of the marine environment;
3. Project for providing assistance to business entities which use the ocean in an environment-friendly way and to residents in coastal areas;
4. Projects concerning the marine environmental improvement measures under Article 18 (1);
5. Marine environment-related research and development efforts;
6. Project concerning examination, research, publicity and education on the marine environment;
7. Fishing industry support project, such as providing assistance for fishermen suffering from marine pollution;
8. Project determined by Presidential Decree, which is related to the projects provided for in subparagraphs 1 through 7.

#### **Article 22 (Prohibition of Discharge, etc. of Pollutants)**

(1) No person shall discharge pollutants from ships into the sea: Provided, That the same shall not apply in the following cases: <Amended by Act No. 8788, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008; Act No. 10272, Apr. 15, 2010; Act No. 11690, Mar. 23, 2013>

1. Where wastes are discharged according to the following classification:

(a) Where it is intended to discharge wastes generated during the sailing or mooring of a ship, such wastes shall be discharged in conformity with the disposal criteria and method determined by Ordinance of the Ministry of Oceans and Fisheries in sea areas determined by Ordinance of the Ministry of Oceans and Fisheries;

(b) Where it is intended to discharge wastes determined by Ordinance of the Ministry of Oceans and Fisheries in a place in which it is intended to reclaim such wastes pursuant to Articles 28 and 35 of the Public Waters Management and Reclamation Act, such wastes shall be discharged in conformity with the disposal criteria and method determined by Ordinance of the Ministry of Oceans and Fisheries;

2. Where oil is discharged according to the following classification:

(a) Where a ship discharges oil, such oil shall be discharged in conformity with the disposal criteria and method determined by Ordinance of the Ministry of Oceans and Fisheries, in sea areas determined by Ordinance of the Ministry of Oceans and Fisheries;

(b) Where an oiler discharges its ballast water mixed with cargo oil, and cleaning water and bilge water from the cargo hold, such water shall be discharged in conformity with the disposal criteria and method determined by Ordinance of the Ministry of Oceans and Fisheries, in sea areas determined by Ordinance of the Ministry of Oceans and Fisheries; <<Enforcement Date: Refer to the Addenda to Act No. 8788, Dec. 21, 2007>>

(c) Where an oiler discharges its ballast water from the cargo hold, such water shall be discharged to satisfy the cleanness requirement determined by Ordinance of the Ministry of Oceans and Fisheries; <<Enforcement Date: Refer to the Addenda to Act No. 8788, Dec. 21, 2007>>

3. Where noxious liquid substances are discharged according to the following classification:

(a) Where a noxious liquid substance is discharged, it shall be discharged in conformity with the method of pre-treatment and discharge determined by Ordinance of the Ministry of Oceans and Fisheries in sea areas determined by Ordinance of the Ministry of Oceans and Fisheries;

(b) Where ships' cleaned ballast water is discharged from a cargo hold (including facilities for discharging ballast water) used for the bulk transportation of noxious liquid substances determined by Ordinance of the Ministry of Oceans and Fisheries, it shall be discharged in conformity with the method of purification determined by Ordinance of the Ministry of Oceans and Fisheries. <<Enforcement Date: Refer to the Addenda to Act No. 8788, Dec. 21, 2007>>

(2) No person shall discharge pollutants generated in places determined by Presidential Decree, such as marine facilities, bathing beaches, and estuaries (hereinafter referred to as "ocean space"), into the sea: Provided, That the same shall not apply in the following cases: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Discharging wastes generated in marine facilities or ocean space (hereinafter referred to as "marine facilities, etc.") in conformity with the disposal criteria and method determined by Ordinance of the Ministry of Oceans and Fisheries in sea areas determined by Ordinance of the Ministry of Oceans and Fisheries;

Fisheries;

2. Discharging oil or noxious liquid substances generated in marine facilities, etc. in conformity with the disposal criteria and method determined by Ordinance of the Ministry of Oceans and Fisheries.

(3) Notwithstanding paragraphs (1) and (2), pollutants generated in ships, marine facilities, etc. may be discharged into the sea in any of the following cases: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

1. Discharging pollutants inevitably to ensure the safety of ships, marine facilities, etc. or to save lives;
2. Where pollutants are discharged inevitably due to damage to ships, marine facilities, etc.;
3. Where pollutants are discharged inevitably in the course of endeavoring to minimize pollution damage by the method determined by Ordinance of the Ministry of Oceans and Fisheries in a pollution accident caused by ships, marine facilities, etc.

#### **Article 23 (Prohibition of Discharging Land-Based Wastes into Sea)**

(1) No person shall discharge any land-based waste into the sea: Provided, That the Minister of Oceans and Fisheries may allow wastes determined by Ordinance of the Ministry of Oceans and Fisheries, the land disposal of which is impracticable, to be discharged into the sea in conformity with the disposal criteria and method determined by Ordinance of the Ministry of Oceans and Fisheries in sea areas determined by Ordinance of the Ministry of Oceans and Fisheries, within the extent not affecting the preservation and management of the marine environment. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may permit an ocean waste discharge business entity to dispose of only the wastes, the ocean discharge of which may be allowed pursuant to the proviso to paragraph (1), and the entrusted disposal of which is reported by a waste disposal entrusting person pursuant to Article 76 (1). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries shall pre-inspect as to whether the waste in question falls under the wastes, the ocean discharge of which is allowed pursuant to the proviso to paragraph (1), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) The Minister of Oceans and Fisheries may authorize a specialized inspection institution to conduct inspections under paragraph (3) on his/her behalf, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(5) Procedures for the application and designation of waste discharge sea areas under the proviso to paragraph (1) and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 24 (Marine Pollution Prevention Activities)**

(1) The Minister of Oceans and Fisheries shall formulate and implement an ocean waste collection and disposal plan, as prescribed by Presidential Decree, in order to effectively collect and dispose of wastes (including wastes generated at sea; hereafter the same shall apply in this Article) discharged or flowing

into the sea. In such cases, Mayors/Do Governors shall formulate and implement detailed action plans in accordance with the ocean waste collection and disposal plan. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Any sea area management authority may engage in examination or measurement activities determined by Ordinance of the Ministry of Oceans and Fisheries, such as water analysis in ocean space, where deemed necessary to prevent pollution. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Any sea area management authority may operate ships or disposing facilities necessary to prevent pollution, such as collection, disposal, examination, and measurement of wastes under paragraphs (1) and (2).

(4) Any sea area management authority may impose on a polluter all or part of the expenses incurred in relation to the collection, disposal, or keeping of wastes under paragraph (1), as prescribed by Presidential Decree.

#### **Article 25 (Installation, etc. of Waste Pollution Prevention Facilities)**

(1) Every ship owner (in cases of leased ships, referring to ship lessees: hereinafter the same shall apply) determined by Ordinance of the Ministry of Oceans and Fisheries shall install facilities to store or dispose of wastes generated on the ship and determined by Ordinance of the Ministry of Oceans and Fisheries (hereinafter referred to as "waste pollution prevention facilities") in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Every waste pollution prevention facility installed pursuant to paragraph (1) shall be maintained and operated in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 26 (Installation, etc. of Oil Pollution Prevention Facilities)**

(1) Every ship owner shall install facilities for preventing the discharge of oil generated on the ship (hereinafter referred to as "oil pollution prevention facilities") in his/her ship or provide a container to storage waste oil. In such cases, ships subject thereto, criteria for installation, and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Every ship owner shall have a hull structure, etc. capable of preventing the discharge of oil in the event of collision or stranding of the ship or other marine accidents. In such cases, ships subject thereto, criteria for hull structures, and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Every oil pollution prevention facility installed pursuant to paragraph (1) shall be maintained and operated in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

### **Article 27 (Installation, etc. of Noxious Liquid Substance Pollution Prevention Facilities)**

(1) Every owner of a ship determined by Ordinance of the Ministry of Oceans and Fisheries, which transports noxious liquid substances in bulk, shall install a facility to store or dispose of such noxious liquid substances on the ship or a facility to prevent marine pollution which may be caused by such noxious liquid substances (hereinafter referred to as "noxious liquid substance pollution prevention facility") in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Every owner of a ship determined by Ordinance of the Ministry of Oceans and Fisheries, which transports noxious liquid substances in bulk, shall install and maintain a cargo hold on the ship in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries in order to prevent the discharge of the noxious liquid substances in the event of collision or stranding of the ship or other marine accidents.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Every ship owner referred to in paragraph (1) shall prepare a guidebook on the method of and facilities for the discharge of noxious liquid substances in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries and provide it to the master of the ship after obtaining an approval seal from the Minister of Oceans and Fisheries thereto.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) Every noxious liquid substance pollution prevention facility installed pursuant to paragraph (1) shall be maintained and operated in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

### **Article 28 (Restriction on Loading Ships' Ballast Water and Oil)**

(1) No ship's ballast water shall be loaded in the cargo holds of the oilers determined by Ordinance of the Ministry of Oceans and Fisheries and fuel oil tanks of the ships determined by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the same shall not apply to cases determined by Ordinance of the Ministry of Oceans and Fisheries, in which a trial run of a newly built ship is conducted and it is necessary to ensure the safety of a ship.

*<Amended by Act No. 8788, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013> <<Enforcement Date: Refer to the Addenda to Act No. 8788, Dec. 21, 2007>>*

(2) No oil shall be loaded in any tank installed in front of the forepeak tank and collision bulkhead of ships determined by Ordinance of the Ministry of Oceans and Fisheries.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

### **Article 29 (Transportation of Harmful Substances in Packaged Form)**

Any person who intends to transport a harmful substance in packaged form by ship shall do so in accordance with the conditions of packing and marking, loading method, etc., as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

### **Article 30 (Management of Ship Pollutant Registers)**



(1) Every shipmaster (in cases of a towed ship, referring to the ship owner) shall keep registers as classified in the following (hereinafter referred to as "ship pollutant registers") on the ship (in cases of a towed ship, referring to the office of the ship owner) with respect to wastes, oil, and noxious liquid substances used, transported, or disposed on the ship, and record the quantity of use, transportation, or disposal thereof: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

1. A waste register: A book which records the total quantity, etc. of wastes generated or disposed of on a ship in at least a specific size determined by Ordinance of the Ministry of Oceans and Fisheries: Provided, That where a marine environmental management business entity prepares and keeps a ledger of disposal pursuant to Article 72 (1), the waste register shall be substituted by such ledger of disposal;

2. An oil register: A book which records the quantities of oil used and disposed on a ship: Provided, That ships determined by Ordinance of the Ministry of Oceans and Fisheries shall be excluded, and in cases of oilers, the quantity of oil shipped shall be recorded in addition to the quantities of oil used and disposed of;

3. A noxious liquid substance register: A book which records the quantities of shipment and disposal of noxious liquid substances which are shipped in bulk.

(2) The ship pollutant registers shall be kept for three years from the last entries, and detailed entries, method of keeping, and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 31 (Management of Contingency Plans for Marine Pollution by Ships)**

(1) Every ship owner shall prepare a contingency plan for marine pollution caused by oil and noxious liquid substances (hereinafter referred to as "contingency plan for marine pollution by ships"), which includes measures to be taken in the event that oil or noxious liquid substances are discharged into the sea, and shall keep the plan on the ship after obtaining the approval seal from the Minister of Public Safety and Security. *<Amended by Act No. 11479, Jun. 1, 2012; Act No. 12844, Nov. 19, 2014>*

(2) The scope of ships subject to keeping a contingency plan for marine pollution by ships, entries therein, and other necessary matters shall be determined by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

#### **Article 32 (Marine Pollution Prevention Managers)**

(1) Ship owners determined by Ordinance of the Ministry of Oceans and Fisheries shall appoint a crew member of the ship as a marine pollution prevention manager to manage the prevention of discharge of pollutants and air pollutants from the ship, assisting the shipmaster. In such cases, where ships transport noxious liquid substances in bulk, at least one more marine pollution prevention manager in charge of noxious liquid substances shall be appointed. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Every ship owner shall keep a document evidencing the appointment of a marine pollution prevention manager under paragraph (1) on the ship.

(3) Qualifications for, duties of, and matters to be observed by, marine pollution prevention managers under paragraph (1), and other necessary matters shall be determined by Presidential Decree.

#### **Article 32-2 (Management of Ship-to-Ship Oil Transfer)**

(1) Every ship owner who intends to transfer oil cargos between oil tankers (hereinafter referred to as "ship-to-ship") on the sea shall prepare a plan stating matters prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as the transfer method (hereinafter referred to as "ship-to-ship oil transfer plan"), keep the plan in the ship after obtaining an approval seal from the Minister of Oceans and Fisheries, and comply with the plan during transfer. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Every shipmaster shall record matters prescribed by Ordinance of the Ministry of Oceans and Fisheries, including the amount and time of transfer, on the oil register relating to the ship-to-ship oil transfer and keep the register for three years from the date of the last entry. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Every shipmaster who intends to engage in ship-to-ship oil transfer operations in a sea area or waters referred to in Article 3 (1) 1 and 2 shall first report the operation plan to the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Ships subject to keeping ship-to-ship oil transfer plans and procedures for obtaining the approval seal referred to in paragraph (1), the recording of ship-to-ship oil transfer operations referred to in paragraph (2), reporting items and methods referred to in paragraph (3), and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 33 (Reporting on Marine Facilities)**

(1) The owner of a marine facility (including installers and operators, and where such facilities are leased, referring to the lessees of such facilities; hereinafter the same shall apply) shall report on such facility to the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Items, procedures and other matters necessary for reporting marine facilities under paragraph (1) shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 34 (Management of Marine Facility Pollutant Registers)**

(1) The owners of marine facilities handling oil and noxious liquid substances, which are determined by Ordinance of the Ministry of Oceans and Fisheries, shall keep an oil and noxious liquid substance register (hereinafter referred to as "marine facility pollutant register") in the facilities and record therein the quantities of oil and noxious liquid substances used, details regarding oil and noxious liquid substances brought into and out of the marine facilities, etc. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) A marine facility pollutant register shall be kept for three years from the date of last entries, detailed entries, method of management, and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

### **Article 35 (Management of Contingency Plans for Pollution by Marine Facilities)**

(1) The owner of a marine facility using and storing, or disposing of oil and noxious liquid substances shall prepare a contingency plan for marine pollution (hereinafter referred to as a "contingency plan for pollution by marine facilities") which includes measures to be taken in the event that oil and noxious liquid substances are discharged into the sea, and keep it in the marine facility after obtaining an approval seal from the Minister of Public Safety and Security: Provided, That when it is impracticable to keep the contingency plan for pollution by marine facilities in the marine facility, it may be kept in the office of the owner of the marine facility. <Amended by Act No. 12844, Nov. 19, 2014>

(2) Those required to maintain a contingency plan for pollution by marine facilities, entries and other matters shall be determined by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

### **Article 36 (Marine Pollution Prevention Managers)**

(1) The owner of a marine facility determined by Ordinance of the Ministry of Oceans and Fisheries shall appoint a marine pollution prevention manager to perform the duties to prevent discharge of pollutants from the marine facility, from among the employees working in the marine facility. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The owner of a marine facility shall keep a document evidencing the appointment of a marine pollution prevention manager in the marine facility: Provided, That when it is impracticable to keep an evidentiary document in the marine facility, it may be kept in the office of the owner of the marine facility.

(3) Qualifications for, duties of, and matters to be observed by, marine pollution prevention managers under paragraph (1), and other necessary matters shall be determined by Presidential Decree.

### **Article 36-2 (Safety Inspections of Marine Facilities)**

(1) The owner of marine facilities related to oil and noxious liquid substances, which are prescribed by Ordinance of the Ministry of Oceans and Fisheries, shall conduct a safety inspection of the marine facilities.

(2) The owner of marine facilities who has conducted a safety inspection under paragraph (1) shall report, without delay, the findings thereof to the Minister of Oceans and Fisheries.

(3) Where the safety of marine facilities referred to in paragraph (1) is deemed questionable due to a force majeure, natural disaster, or any other similar cause, the Minister of Oceans and Fisheries may conduct a safety inspection on his/her own. In such cases, the owner of the relevant marine facilities shall actively cooperate therein.

(4) The owner of marine facilities referred to in paragraph (1) may authorize an agency specialized in safety inspections and equipped with facilities and equipment prescribed by Presidential Decree to conduct a safety inspection of the relevant facilities on his/her behalf.

(5) Timing for, and methods of, conducting safety inspections under paragraph (1), reporting items under paragraph (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Fisheries.

**Article 37 (Collection and Disposal of Pollutants in Ships and Marine Facilities)**

(1) The owner of a ship or marine facility shall require any of the following persons to collect and dispose of substances determined by Ordinance of the Ministry of Oceans and Fisheries, from among pollutants generated in the ship or marine facility: Provided, That he/she may require a waste disposal business entity under Article 25 of the Wastes Control Act to collect or dispose of wastes generated in a marine facility (including a marine facility installed to connect a sea area to land) located on land or ships being built in the shipbuilding yard: *<Amended by Act No. 8371, Apr. 11, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9872, Dec. 29, 2009; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*

1. An installer or operator of a pollutant storage facility under Article 38 (1);

2. A person who engages in oil hold cleaning business under Article 70 (1) 3 (hereinafter referred to as "oil hold cleaning business entity").

(2) Notwithstanding paragraph (1), where an oil hold cleaning business entity collects substances determined by Ordinance of the Ministry of Oceans and Fisheries, from among pollutants generated in a ship, the owner of the ship may require an ocean waste discharge business entity to dispose of such pollutants. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

**Article 38 (Pollutant Storage Facilities)**

(1) Any sea area management authority shall install and operate a facility to store pollutants discharged from ships or marine facilities or discharged into the sea (hereinafter referred to as "pollutant storage facility").

(2) Any sea area management authority shall prepare and manage a ledger to manage pollutants brought into and out of a pollutant storage facility (hereinafter referred to as "pollutants management ledger"). In such cases, matters concerning ledger entries, preservation period, etc. shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Detailed criteria for the installation and operation of pollutant storage facilities under paragraph (1) shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

**Article 39 (Examination of Residual Organic Pollutants, etc.)**

(1) The Minister of Oceans and Fisheries shall measure and examine the actual conditions, extent, etc. of pollution by residual organic pollutants, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, where the results of such measurement and examination show that there is a problem in the management of the marine environment, the Minister of Oceans and Fisheries shall take measures determined by Ordinance of the Ministry of Oceans and Fisheries, such as prohibition on the use of, and request for restriction on the use of the relevant residual organic pollutants. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may request necessary material from relevant administrative agencies, as prescribed by Presidential Decree, when conducting measurement or examination pursuant to paragraph (1). In such cases, the head of a relevant administrative agency shall comply therewith, except under special circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Oceans and Fisheries shall determine and publish the Korean standard methods of examination for residual organic pollutants in order to guarantee accuracy and consistency in conducting measurements and examinations under paragraph (1). In such cases, the published Korean standard methods of examination shall be deemed the Korean standard methods of examination for the marine environment referred to in Article 10. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 40 (Prohibition on Use of Harmful Anti-Fouling Paints, etc.)**

(1) No person shall use harmful anti-fouling paints, or facilities, etc. using such paints (hereinafter referred to as "harmful anti-fouling system") for ships, marine facilities, etc.

(2) Any person who intends to use anti-fouling paints, or to install facilities, etc. using such paints (hereinafter referred to as "anti-fouling system") for or in ships, marine facilities, etc. shall comply with the criteria and methods determined by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 41 (Installation of Facilities to Prevent Discharge of Air Pollutants, etc.)**

(1) Each ship owner shall install a facility to prevent or reduce the emission of air pollutants on the ship (hereinafter referred to as "air pollution prevention facility"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Each air pollution prevention facility installed pursuant to paragraph (1) shall be maintained and operated in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 41-2 (Calculation, etc. of Ship Energy Efficiency Design Indices)**

(1) A person who intends to build, or conduct any of the following remodeling jobs for, a ship prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among ships of at least 400 gross tons and used for international voyage, shall install a propulsion engine with at least the minimum output determined and publicly announced by the Minister of Oceans and Fisheries and calculate the ship energy efficiency design index: <Amended by Act No. 11690, Mar. 23, 2013>

1. Remodeling to substantially change the length, width, depth, transport capacity, or engine output of a ship, as prescribed by Ordinance of the Ministry of Oceans and Fisheries;
2. Remodeling to change the use of a ship;
3. Remodeling to extend the service life of a ship, as prescribed by Ordinance of the Ministry of Oceans and Fisheries;
4. Remodeling, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, to substantially change the ship energy efficiency, such as a change exceeding the allowable limit of the ship energy efficiency design index prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(2) No owner of any ship prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among ships referred to in paragraph (1), shall build or remodel a ship, the ship energy efficiency design index of which calculated under paragraph (1) exceeds the allowable limit of the ship energy efficiency design index prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 41-3 (Keeping Ship Energy Efficiency Management Plans)**

(1) The owner of a ship prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among ships of at least 400 gross tons and used for international voyage, shall prepare a plan stating the procedures and methods for the formulation, implementation, monitoring, evaluation, improvement, etc. of a plan for improving ship energy efficiency (hereinafter referred to as "ship energy efficiency management plan"), and keep it in the ship. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Details to be included in ship energy efficiency management plans, preparation method thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 42 (Regulation for Emission of Ozone Layer-Depleting Substances)**

(1) No person shall emit (including emission generated during maintenance and repair or the placement of equipment or facilities of ships) ozone layer-depleting substances from ships: Provided, That the same shall not apply where ozone layer-depleting substances are leaked in the course of retrieving them.

(2) No ship owner shall equip the relevant ship with any installation containing ozone layer-depleting substances.

(3) When a ship owner removes any installation containing ozone layer-depleting substances, he/she shall deliver such facility to a company or organization designated and publicly announced by the Minister of Oceans and Fisheries. In such cases, the designated or publicly announced company or organization shall be equipped with retrieval facilities, accommodation facilities, etc. which meet the criteria set by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) The owner of a ship of at least 400 gross tons and used for international voyages shall prepare and manage a list of installations containing ozone layer-depleting substances. <Newly Inserted by Act No. 10803, Jun. 15, 2011>

(5) The owner of a ship referred to in paragraph (4) shall, when emitting ozone layer-depleting substances from the ship or replenishing the ship with ozone layer-depleting substances, prepare and keep a register which records the amount of the ozone layer-depleting substances, etc. (hereinafter referred to as "ozone layer-depleting substance register"). <Newly Inserted by Act No. 10803, Jun. 15, 2011>

(6) Entries in the ozone layer-depleting register referred to in paragraph (5) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Newly Inserted by Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

#### **Article 43 (Regulation of Emission of Nitrogen Oxides)**

(1) No ship owner shall operate diesel engines prescribed by Ordinance of the Ministry of Oceans and Fisheries in excess of the permissible emission level of nitrogen oxides set under Article 76 (1) of the Clean Air Conservation Act: Provided, That the same shall not apply to diesel engines mounted on ships for the purpose of any emergency, such as emergency ships and lifeboats, and on public ships for the purpose of national defense and public security, such as military vessels and fleets of the Ministry of Public Safety and Security: *<Amended by Act No. 8404, Apr. 27, 2007; Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(2) Notwithstanding paragraph (1), where it is possible to reduce the emission of nitrogen oxides below the permissible emission level referred to in the main sentence of paragraph (1) with the mounting of an exhaust fume-filter meeting the criteria set by Ordinance of the Ministry of Oceans and Fisheries, on a diesel engine, such diesel engine may be operated. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Such details as the time and method of applying permissible emission levels of nitrogen oxides for diesel engines referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Newly Inserted by Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

#### **Article 44 (Sulfur Content Standards for Fuel Oil, etc.)**

(1) No ship owner shall use fuel oil exceeding the sulfur content standards determined by Presidential Decree in sea areas, other than sulfur oxides emission control sea areas.

(2) No ship owner shall use fuel oil exceeding the sulfur content standards determined by Presidential Decree in sulfur oxides emission control sea areas: Provided, That the same shall not apply where the quantity of sulfur oxide emissions is reduced to below the permissible emission level of sulfur oxides determined by Ordinance of the Ministry of Oceans and Fisheries, with the mounting of an exhaust fume-filter meeting the criteria set by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Each ship owner shall record matters determined by Ordinance of the Ministry of Oceans and Fisheries, including the replacement of fuel oil, in the engineer's logbook in the event that the ship navigates in sulfur oxides emission control sea areas. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) Each ship owner shall keep the engineer's logbook referred to in paragraph (3) in the ship for one year from the supply of the relevant fuel oil.

(5) Each ship owner shall keep a procedure manual stating the methods of conversion of fuel oil (hereinafter referred to as "procedure manual for fuel oil conversion") in the ship, which must be followed by the ship using fuel oil with different sulphur content stored in different tanks to meet sulphur content standards for fuel oil referred to in paragraph (2) before entering or leaving sulphur oxides emission control sea areas. *<Newly Inserted by Act No. 10803, Jun. 15, 2011>*

#### **Article 45 (Supply, Confirmation, etc. of Fuel Oil)**

(1) None of the following persons who supplies fuel oil to ships (hereinafter referred to as "ship oil supplier") shall supply ships with fuel oil which is below the quality determined by Presidential Decree or exceeds the standard sulfur content under Article 44 (1):

1. A person who is registered as a ship oil supplier under Article 26-3 of the Harbor Transport Business Act;
2. Fisheries Cooperatives supplying tax-free fuel oil for the fishing industry pursuant to Article 106-2 of the Restriction of Special Taxation Act.

(2) Each ship oil supplier shall prepare a fuel oil supply certificate which states sulfide compounds, etc. contained in the fuel oil, and provide a copy thereof to the ship owner together with a sample collected from the relevant fuel oil (hereinafter referred to as "fuel oil sample"): Provided, That the same shall not apply to ship oil suppliers who supply fuel oil to small ships determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Every ship oil supplier (excluding those referred to in the proviso to paragraph (2)) shall keep fuel oil supply certificates under paragraph (2) in his/her principal office for three years, and ship owners shall keep copies thereof in their ships for three years.

(4) Every ship owner shall keep fuel oil samples from the supply of fuel oil until the use-up of such fuel oil: Provided, That this period shall be one year if such period is less than one year.

(5) Matters regarding the form of the fuel oil supply certificate, management of fuel oil samples under paragraph (2), etc. shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(6) Where any of the following applies to a foreign ship oil supplier, the Minister of Oceans and Fisheries may notify the fact to the relevant administrative authorities of the country to which the foreign ship oil supplier belongs and take other necessary measures: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

1. Where the foreign ship oil supplier supplies fuel oil which is below the quality standards under paragraph (1) or exceeds the sulfur content standards;
2. Where the foreign ship oil supplier is found to have supplied fuel oil different from that indicated in the fuel oil supply certificate.

#### **Article 46 (Prohibition of Shipboard Incineration, etc.)**

(1) No person shall incinerate any of the following aboard a ship while the ship is sailing or anchored: Provided, That the same shall not apply to the substance referred to in subparagraph 5 in a shipboard incinerator determined by Ordinance of the Ministry of Oceans and Fisheries: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

1. Residues of oil, noxious liquid substances, and harmful substances in packaged form, which are carried by freight, and packing materials contaminated with such substances;



2. Poly chlorinated biphenyl;
3. Wastes containing heavy metals above the permissible levels determined and publicly announced by the Minister of Oceans and Fisheries;
4. Refined petroleum products containing halogen compounds;
5. Polyvinyl chloride;
6. Wastes brought from land;
7. Residues in exhaust fume filters.

(2) Any ship owner, who intends to incinerate aboard the ship substances prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among substances generated while the ship is sailing or anchored, shall operate an incinerator installed on the ship (hereinafter referred to as "shipboard incinerator") by the method prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as maintaining an appropriate temperature to prevent the emission of air pollutants. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Notwithstanding paragraph (2), substances prescribed by Ordinance of the Ministry of Oceans and Fisheries, from among substances generated while the ship is sailing or anchored, may be incinerated in the main or auxiliary engine or boiler on the ship: Provided, That the same shall not apply to the sea areas prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as harbors and fishing port zones. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) Shipboard incinerators shall be maintained in conformity with the criteria set by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 47 (Emission Control, etc. of Volatile Organic Compounds)**

(1) The Minister of Oceans and Fisheries may determine and publicly announce volatile organic compounds control ports to control the emission of volatile organic compounds from ships. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The owner of a marine facility, who installs a facility to load volatile organic compounds-containing oil or noxious liquid substances determined by Ordinance of the Ministry of Oceans and Fisheries on a ship in a volatile organic compounds control port designated pursuant to paragraph (1), shall install and operate an oil vapor emission control unit. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) When the owner of a marine facility referred to in paragraph (2) installs an oil vapor emission control unit, he/she shall first undergo an inspection conducted by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the same shall not apply to air pollutant emission facilities, the installation of which is permitted or reported under Article 23 (1) of the Clean Air Conservation Act or volatile organic compounds emission facilities, the installation of which is reported under Article 44 (1) of the same Act. *<Amended by Act No. 8404, Apr. 27, 2007; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) The owner of a marine facility who has installed an oil vapor emission control unit under paragraph (2) shall keep a record of the operation of the oil vapor emission control unit, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, for three years from the date he/she starts operating such unit.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 47-2 (Management of Volatile Organic Compounds)**

(1) The owner of an oiler transporting crude oil shall prepare a management plan which includes matters necessary to minimize the emission of volatile organic compounds when loading the oiler with freight or unloading freight from the oiler or on a voyage (hereinafter referred to as "volatile organic compounds management plan"), and keep such plan in the oiler after obtaining an approval seal from the Minister of Oceans and Fisheries, and shall observe such plan. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Ships required to maintain volatile organic compounds management plans referred to in paragraph (1), entries therein, procedures for obtaining an approval seal, and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 48 (Application Exceptions)**

@Articles 41, 42 through 47, and 47-2 shall not apply in any of the following cases: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

1. Where air pollutants are emitted inevitably to ensure the safety of ships and marine facilities, or to save lives;
2. Where air pollutants are emitted inevitably due to damage to ships or marine facilities, etc.;
3. Where air pollutants prescribed by Ordinance of the Ministry of Oceans and Fisheries are emitted in the course of exploiting and excavating submarine minerals on the seabed.

#### **Article 49 (Regular Inspections)**

(1) The owner of a ship (hereinafter referred to as "ship subject to inspection") on which waste pollution prevention facilities, oil pollution prevention facilities, noxious liquid substance pollution prevention facilities, and air pollution prevention facilities (hereinafter referred to as "marine pollution prevention facilities") must be installed or in which a hull structure referred to in Article 26 (2) and a cargo hold referred to in Article 27 (2) must be installed or maintained shall undergo an inspection (hereinafter referred to as "regular inspection") conducted by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, when he/she intends to use such marine pollution prevention facilities, hull, and cargo hold (hereinafter referred to as "marine pollution prevention facilities, etc.") for sailing for the first time after they are installed or when the term of validity under Article 56 expires. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries shall issue a certificate of marine pollution prevention inspection determined by Ordinance of the Ministry of Oceans and Fisheries to ships that have passed a regular inspection. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 50 (Interim Inspections)**

(1) The owner of a ship subject to inspection shall undergo an inspection conducted by the Minister of Oceans and Fisheries between regular inspections (hereinafter referred to as "interim inspection"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) With respect to the ships which have passed an interim inspection, the Minister of Oceans and Fisheries shall indicate the findings thereof in a certificate of marine pollution prevention inspection issued under Article 49 (2). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Details such as the kinds of interim inspection and matters to be inspected shall be determined by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 51 (Extraordinary Inspections)**

(1) When the owner of a ship subject to inspection intends to replace, remodel, or repair marine pollution prevention facilities, etc., he/she shall undergo an inspection (hereinafter referred to as "extraordinary inspection") conducted by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) With respect to the ships which have passed an extraordinary inspection, the Minister of Oceans and Fisheries shall indicate the findings thereof in a certificate of marine pollution prevention inspection issued under Article 49 (2). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 52 (Inspections for Temporary Sailing)**

(1) When the owner of a ship subject to inspection intends to temporarily use the ship for voyage before a certificate of marine pollution prevention inspection is issued under Article 49 (2), he/she shall undergo an inspection (hereinafter referred to as "inspection for temporary sailing") conducted by the Ministry of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, for the relevant marine pollution prevention facilities, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall issue a temporary certificate of marine pollution prevention inspection determined by Ordinance of the Ministry of Oceans and Fisheries to a ship which has passed an inspection for temporary sailing. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 53 (Anti-Fouling System Inspections)**

(1) When the owner of a ship prescribed by Ordinance of the Ministry of Oceans and Fisheries intends to use an anti-fouling system for voyage after installing it on the ship pursuant to Article 40 (2), he/she shall undergo an inspection (hereinafter referred to as "anti-fouling system inspection") conducted by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall issue an anti-fouling system inspection certificate prescribed by Ordinance of the Ministry of Oceans and Fisheries to a ship which has passed an anti-fouling system inspection. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) When the owner of a ship referred to in paragraph (1) intends to modify or replace an anti-fouling system, he/she shall undergo an inspection (hereinafter referred to as "temporary anti-fouling system inspection") conducted by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) With respect to ships which have passed a temporary anti-fouling system inspection, the Minister of Oceans and Fisheries shall indicate the findings thereof in the anti-fouling system inspection certificate under paragraph (2). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 54 (Preliminary Inspections, etc. of Air Pollution Prevention Facilities)**

(1) Any person who intends to manufacture, remodel, repair, maintain, or import air pollution prevention facilities prescribed by Ordinance of the Ministry of Oceans and Fisheries may undergo an inspection (hereinafter referred to as "preliminary inspection") conducted by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall issue a preliminary inspection certificate determined by Ordinance of the Ministry of Oceans and Fisheries to air pollution prevention facilities which have passed a preliminary inspection. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) With respect to air pollution prevention facilities which have passed a preliminary inspection, a regular inspection, interim inspection, extraordinary inspection, and inspection for temporary sailing provided for in Articles 49 through 52 may be fully or partially omitted, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Matters regarding the items of a preliminary inspection, etc. shall be determined by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 54-2 (Energy Efficiency Inspections)**

(1) The owner of a ship referred to in Article 41-2 (1) or the owner of a ship referred to in Article 41-3 (1) shall undergo an inspection on ship energy efficiency (hereinafter referred to as "energy efficiency inspection") conducted by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall issue an energy efficiency inspection certificate prescribed by Ordinance of the Ministry of Oceans and Fisheries to a ship which has passed an energy efficiency inspection. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Matters regarding the time for applying for an energy efficiency inspection, matters to be inspected, methods of inspections, etc. shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 55 (Issuance of Inspection Certificates under International Agreements, etc.)**

(1) When the owner or master of a ship which has passed a regular inspection, interim inspection, extraordinary inspection, inspection for temporary sailing, and anti-fouling system inspection (hereinafter referred to as "marine pollution prevention ship inspections") applies for the issuance of an inspection

certificate in compliance with an international agreement on marine pollution prevention in order to use the ship for international voyages (hereinafter referred to as "inspection certificate under international agreement"), the Minister of Oceans and Fisheries shall issue an inspection certificate under the international agreement, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Where a ship owner or a ship master intends to obtain an inspection certificate under international agreement directly from the government of a foreign country which is a party to the international agreement (hereinafter referred to as "party to the agreement"), he/she shall apply therefor through the Korean consul residing in the relevant foreign country.

(3) Where the government of a country which is a party to the agreement applies for the issuance of an inspection certificate under international agreement for a ship belonging to the country, the Minister of Oceans and Fisheries shall conduct the marine pollution prevention ship inspections with respect to the ship and issue an inspection certificate under international agreement to the ship owner or ship master. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) An inspection certificate under international agreement issued under paragraphs (1) through (3) shall be deemed to have the same effect as a marine pollution prevention inspection certificate and anti-fouling system inspection certificate.

#### **Article 56 (Validity of Marine Pollution Prevention Inspection Certificates, etc.)**

(1) A marine pollution prevention inspection certificate, an anti-fouling system inspection certificate, an energy efficiency inspection certificate, and an inspection certificate under international agreement shall be valid for the following periods: *<Amended by Act No. 11597, Dec. 18, 2012>*

1. A marine pollution prevention inspection certificate: Five years;
2. An anti-fouling system inspection certificate: Permanent;
3. An energy efficiency inspection certificate: Permanent;
4. An inspection certificate under international agreement: Five years.

(2) The Minister of Oceans and Fisheries may extend the validity of a marine pollution prevention inspection certificate and an inspection certificate under international agreement under paragraph (1) within the scope determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) The validity of a marine pollution prevention inspection certificate and an inspection certificate under international agreement of a ship which has failed to pass an interim inspection or extraordinary inspection shall be suspended until the ship passes the interim inspection or extraordinary inspection.

(4) The criteria for and method of computing the validity under paragraph (1) shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 57 (Voyage of Ships to which Certificate of Marine Pollution Prevention Inspection, etc. is not Issued, etc.)**

(1) No ship owner shall operate any ship for voyage, which is subject to inspection and to which a marine pollution prevention inspection certificate, temporary marine pollution prevention inspection certificate, anti-fouling system inspection certificate, or energy efficiency inspection certificate is not issued: Provided, That the same shall not apply where such ship makes a voyage to undergo a marine pollution prevention inspection, energy efficiency inspection, or shipbuilding inspection under Articles 7 through 12 of the Ship Safety Act. <Amended by Act No. 11597, Dec. 18, 2012>

(2) No ship owner shall operate any ship, to which an inspection certificate under international agreement is not issued, for international voyage.

(3) No ship owner shall operate any ship for voyage (including international voyage) in a manner in breach of any of the conditions indicated in the relevant marine pollution prevention inspection certificate, temporary marine pollution prevention inspection certificate, anti-fouling system inspection certificate, energy efficiency inspection certificate, and inspection certificate under international agreement (hereinafter referred to as "certificate of marine pollution prevention inspection, etc."): Provided, That the same shall not apply where a ship makes a voyage to undergo a marine pollution prevention ship inspection, energy efficiency inspection, or shipbuilding inspection under Articles 7 through 12 of the Ship Safety Act. <Amended by Act No. 11597, Dec. 18, 2012>

(4) Any ship owner to whom a certificate of marine pollution prevention inspection, etc. has been issued shall keep the certificate of marine pollution prevention inspection, etc. in the relevant ship.

#### **Article 58 (Measures against Noncompliant Ships)**

(1) Where the Minister of Oceans and Fisheries deems that marine pollution prevention facilities, etc. and anti-fouling systems are not in compliance with the installation standards or technical standards under Articles 25 (1), 26 (1) and (2), 27 (1) and (2), 40 (2), and 41 (1), he/she shall order the owner of the relevant ship to replace, remodel, change, or repair the marine pollution prevention facilities, etc. and antifouling systems or to take other necessary measures. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where a ship owner intends to continuously use or uses his/her ship against an order of replacement, etc. issued to address a material defect of marine pollution prevention facilities, etc. and anti-fouling systems, from among the orders for improvement under paragraph (1), the Minister of Oceans and Fisheries may suspend the voyage of such ship: Provided, That the same shall not apply where any justifiable ground exists, such as the voyage of the ship to a harbor for repair in order to comply with the orders for improvement without any fear of marine pollution. <Amended by Act No. 9872, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013>

(3) In any of the following cases, the Minister of Oceans and Fisheries may order the relevant ship owner to take necessary measures, such as corrections, replacement, remodeling, keeping, etc.: <Amended by Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>

1. Where it is deemed that the ship energy efficiency fails to meet the calculation method or allowable limit of the ship energy efficiency design index, or the minimum output of propulsion engine under

Article 41-2;

2. Where a ship energy efficiency management plan is not in place.

#### **Article 59 (Port State Control for Marine Pollution Prevention)**

(1) Where the Minister of Oceans and Fisheries deems that marine pollution prevention facilities, etc. or anti-fouling systems installed on a foreign ship in any harbor, port, or coastal areas of Korea or ship energy efficiency thereof are not in compliance with the technical standards under an international agreement on marine pollution prevention, he/she may order the master of the foreign ship to replace, remodel, change, repair, or improve the marine pollution prevention facilities, etc., anti-fouling systems, or systems related to ship energy efficiency, etc. or to take other necessary measures (hereinafter referred to as "port state control"). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

(2) Articles 68 through 70 of the Ship Safety Act shall apply mutatis mutandis to procedures necessary for enforcing port state control.

#### **Article 60 (Re-inspections)**

(1) Where a person who has undergone a marine pollution prevention ship inspection, preliminary inspection, or energy efficiency inspection has an objection to the results thereof, he/she may apply for re-inspection to the Minister of Oceans and Fisheries, stating the grounds therefor, within 90 days from the receipt of such results. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

(2) Upon receipt of an application for re-inspection pursuant to paragraph (1), the Minister of Oceans and Fisheries shall require a subordinate public official to conduct a re-inspection and notify the applicant of the result thereof within 60 days: Provided, That under any unavoidable circumstances, the notice's deadline may be extended for up to another 30 days. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) No person who has an objection to any marine pollution prevention ship inspection, preliminary inspection, or energy efficiency inspection shall institute an administrative litigation, without a re-inspection under paragraphs (1) and (2): Provided, That the same shall not apply to cases falling under Article 18 (2) and (3) of the Administrative Litigation Act. *<Amended by Act No. 11597, Dec. 18, 2012>*

#### **Article 61 (Formulation and Implementation of National Emergency Pollution Response Plan)**

(1) The Minister of Public Safety and Security shall formulate and implement a national emergency pollution response plan to prevent and response to marine pollution, as prescribed by Presidential Decree, in preparation for cases where a pollutant determined by Ordinance of the Prime Minister is feared to be or is discharged into the sea. In such cases, the Minister of Public Safety and Security shall first seek an opinion from the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(2) The national emergency pollution response plan shall be confirmed after deliberation by the Marine Fishery Development Committee under Article 7 of the Framework Act on Marine Fishery Development.

*<Amended by Act No. 9454, Feb. 6, 2009>*

**Article 62 (Establishment of Pollution Response Headquarters, etc.)**

(1) The Minister of Public Safety and Security shall exercise overall control over emergency pollution response to marine pollution accidents and may establish a pollution response headquarters under his/her jurisdiction. *<Amended by Act No. 10803, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014>*

(2) The Minister of Public Safety and Security shall notify the Minister of Oceans and Fisheries of the actions taken by the pollution response headquarters established pursuant to paragraph (1) and the results thereof, as prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(3) Matters necessary for the composition, operation, etc. of the pollution response headquarters under paragraph (1) shall be determined by Presidential Decree. *<Amended by Act No. 10803, Jun. 15, 2011>*

**Article 63 (Duty to Report on Discharge of Pollutants)**

(1) Where a pollutant exceeding the permissible emission level prescribed by Presidential Decree is discharged or feared to be discharged into the sea, any of the following persons shall report thereon, without delay, to the Minister of Public Safety and Security or the chief of the relevant coast guard office: *<Amended by Act No. 12844, Nov. 19, 2014>*

1. The master of a ship or the manager of a marine facility loaded with a pollutant, which is discharged or is feared to be discharged. In such cases, the same shall not apply where a person who has done an act which resulted in the discharge of the pollutant from the relevant ship or marine facility reports thereon;
2. A person who has done an act which resulted in the discharge of a pollutant;
3. A person who has discovered the discharged pollutant.

(2) Matters regarding procedures for reporting, matters to be reported, etc. under paragraph (1) shall be determined by Ordinance of the Prime Minister. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

**Article 64 (Pollution Response Measures in Cases of Discharge of Pollutants)**

(1) Any person who falls under Article 63 (1) 1 or 2 (hereinafter referred to as "person responsible for pollution response") shall take the following measures (hereinafter referred to as "pollution response measures") against discharged pollutants, as prescribed by Presidential Decree:

1. Prevention of discharge of pollutants;
2. Prevention of spread of discharged pollutants and removal thereof;
3. Collection and disposal of discharged pollutants.

(2) Where a pollutant is discharged from a ship located in a harbor or sea area adjacent to a harbor, any of the following persons shall actively cooperate with the person responsible for pollution response in taking pollution response measures:

1. Where the harbor concerned is used for loading the discharged pollutant, the consignor of the relevant pollutant;



2. Where the harbor concerned is used for unloading the discharged pollutant, the consignee of the relevant pollutant;
  3. Where the pollutant is discharged while the ship is at her moorings, the manager of the relevant mooring facilities;
  4. Other person who has done an act which resulted in the discharge of the pollutant.
- (3) Where a person responsible for pollution response fails to voluntarily take pollution response measures, the Minister of Public Safety and Security may order the person to take pollution response measures, setting a deadline. *<Amended by Act No. 12844, Nov. 19, 2014>*
- (4) Where a person responsible for pollution response fails to comply with an order to take pollution response measures under paragraph (3), the Minister of Public Safety and Security may take the pollution response measures on his/her own. In such cases, expenses incurred in such pollution response measures shall be borne by the person responsible for pollution response, as prescribed by Presidential Decree. *<Amended by Act No. 12844, Nov. 19, 2014>*
- (5) Articles 5 and 6 of the Administrative Vicarious Execution Act shall apply mutatis mutandis to the collection of expenses incurred in directly taking pollution response measures pursuant to paragraph (4).
- (6) Materials and chemicals used for taking pollution response measures against pollutants pursuant to paragraphs (1) through (4) shall be type-approved, authorized, and recognized pursuant to Article 110 (4), (6), and (7) or authorized pursuant to Article 110-2 (3): Provided, That the same shall not apply to materials used for pollution response measures against pollutants, which are recognized by the Minister of Public Safety and Security that such materials are needed for emergency pollution response measures and do not affect the marine environment. *<Newly Inserted by Act No. 10803, Jun. 15, 2011; Amended by Act No. 12844, Nov. 19, 2014>>*

**Article 65 (Measures to be Taken where Pollutants are Feared to be Discharged, etc.)**

- (1) Where pollutants are feared to be discharged from a ship or marine facility due to an accident, such as stranding, collision, sinking, or conflagration of the ship or marine facility, the owner or master of such ship or the owner of such marine facility shall take measures to prevent the discharge of pollutants, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*
- (2) Article 64 (3) and (4) shall apply mutatis mutandis to measures to prevent the discharge of pollutants under paragraph (1). In such cases, "person responsible for pollution response" shall be construed as "owner or master of a ship or the owner of a marine facility."

**Article 66 (Keeping Materials and Chemicals, etc.)**

- (1) The port management authority and owners of ships and marine facilities shall keep and maintain materials and chemicals used for pollution response against or prevention of pollutants in storage facilities or in the relevant ships and marine facilities. *<Amended by Act No. 10803, Jun. 15, 2011>*
- (2) Materials and chemicals to be kept and maintained pursuant to paragraph (1) shall be type-approved, authorized, and recognized pursuant to Article 110 (4), (6), and (7) or authorized pursuant to Article 110-2

(3). <Amended by Act No. 10803, Jun. 15, 2011>

(3) The kinds, quantity, methods of keeping materials and chemicals to be kept and maintained pursuant to paragraph (1), standards for storage facilities, and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

#### **Article 67 (Placement, etc. of Pollution Response Vessels, etc.)**

(1) The owner of any of the following ships or marine facilities shall place or install pollution response vessels or pollution response equipment (hereinafter referred to as "pollution response vessels, etc.") in sea areas determined by Ordinance of the Ministry of Oceans and Fisheries in accordance with the criteria set by Presidential Decree in preparation for oil spills into the ocean: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. An oiler of at least 500 gross tons;
2. A ship of at least 10,000 gross tons (limited to ships, excluding oilers);
3. An oil storage facility with a capacity of at least 10,000 kiloliters, registered as a marine facility.

(2) Any person who is required to place or install pollution response vessels, etc. pursuant to paragraph (1) (hereinafter referred to as "person responsible for placement") may jointly do so or entrust the placement or installation thereof to the Korea Marine Environment Management Corporation under Article 96 (1), as prescribed by Presidential Decree.

(3) The Minister of Public Safety and Security may issue to the persons who have failed to place or install pollution response vessels, etc. an order aimed at prohibiting ships' entry into or departure from ports, or suspending the use of facilities. <Amended by Act No. 12844, Nov. 19, 2014>

(4) Where pollutants are discharged or feared to be discharged from any ship or marine facility referred to in paragraph (1), the Minister of Public Safety and Security shall have a person responsible for placement take pollution response measures and measures to prevent discharge under Article 65. In such cases, when a person responsible for placement jointly places or installs pollution response vessels, etc. or entrusts the placement or installation thereof to the Korea Marine Environment Management Corporation pursuant to paragraph (2), he/she shall have the joint placer or installer, or the Korea Marine Environment Management Corporation jointly take pollution response measures and measures to prevent discharge.

#### **Article 68 (Pollution Response Measures and Costs Bearing by Administrative Agencies)**

(1) Where it is deemed that pollution response measures taken by the person responsible for pollution response, alone, are not enough to prevent large-scale spread of pollutants or that the emergency pollution response is required, the Minister of Public Safety and Security shall take pollution response measures on his/her own. <Amended by Act No. 10803, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014>

(2) Notwithstanding paragraph (1), the heads of the relevant local governments or administrative agencies as classified in the following subparagraphs shall take pollution response measures against oil stuck to pebbles, sand, etc. on the shore: <Newly Inserted by Act No. 10803, Jun. 15, 2011>

1. Where oil affects shores under the jurisdiction of the head of one Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) only: The head of the relevant Si/Gun/Gu;
2. Where oil affects shores under the jurisdictions of the heads of at least two Sis/Guns/Gus: The relevant Mayor/Do Governor. In such cases, where oil affects shores under the jurisdictions of at least two Mayors/Do Governors, the respective Mayors/Do Governors having their own jurisdictions;
3. Pollution response measures for shores on which military facilities and other facilities prescribed by Presidential Decree are installed: The head of the relevant facility management institution.

(3) When the head of a Si/Gun/Gu or a Mayor/Do Governor takes pollution response measures referred to in paragraph (2), the Minister of Public Safety and Security shall support him/her with materials, chemicals, pollution response equipment, personnel, technology, etc. required for pollution response. *<Newly Inserted by Act No. 10803, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014>*

(4) Expenses incurred in taking pollution response measures under paragraphs (1) and (2) may be borne by the owner of a ship or marine facility, as prescribed by Presidential Decree: Provided, That the same shall not apply in circumstances prescribed by Presidential Decree, including natural disasters. *<Amended by Act No. 10803, Jun. 15, 2011>*

(5) Articles 5 and 6 of the Administrative Vicarious Execution Act shall apply mutatis mutandis to the collection of expenses borne under paragraph (4). *<Amended by Act No. 10803, Jun. 15, 2011>*

#### **Article 69 (Pollution Response Contributions)**

(1) Any person responsible for placement shall pay pollution response contributions required for marine pollution response measures, such as pollution response measures and measures for the prevention of discharge against oil spill accidents, etc.

(2) Pollution response contributions under paragraph (1) shall be used for the projects under Article 97 (1) 3.

(3) Pollution response contributions under paragraph (1) shall be paid to the Korea Marine Environment Management Corporation under Article 96 (1), and matters regarding the criteria and procedure for the imposition of pollution response contributions under paragraphs (1) and (2) and others shall be determined by Presidential Decree.

#### **Article 70 (Marine Environment Management Business)**

(1) Any person who intends to run any of the following businesses (hereinafter referred to as "marine environmental management business") shall be registered with the Minister of Oceans and Fisheries or the Minister of Public Safety and Security, as prescribed by Presidential Decree: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. Ocean waste discharge business: Dumping wastes into the sea with ships, facilities, and equipment needed therefor;
2. Marine pollution prevention business: Removing pollutants which are discharged or feared to be discharged into the sea with facilities and equipment needed therefor;

3. Oil hold cleaning business: Cleaning the oil holds of ships or collecting the pollutants therefrom with facilities and equipment needed therefor prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries, which are generated from ships or marine facilities (limited to cases where the marine facilities are storage facilities of oil or noxious liquid substances);
4. Ocean waste collection business: Collecting wastes with ships, equipment, and facilities needed for collecting wastes floating on the water surface or deposited on the seabed;
5. Deposited pollutants collection business: Dredging or collecting deposited pollutants with ships, equipment, and facilities needed therefor.

(2) Any person who intends to register a marine environmental management business shall have technical skills in the relevant fields, as prescribed by Presidential Decree, and have ships, equipment, facilities, etc. determined by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(3) When a person whose marine environmental management business has been registered pursuant to paragraph (1) (hereinafter referred to as "marine environmental management business entity") intends to make important changes to the matters registered prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries, he/she shall file for registration of such change, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

#### **Article 70-2 (Assistance, etc. for Ocean Waste Discharge Business Entities)**

(1) Where an ocean waste discharge business entity referred to in Article 70 (1) 1 closes his/her business on any ground prescribed by Presidential Decree, such as prohibiting the discharge of land-based wastes into the sea, the Minister of Oceans and Fisheries may formulate and execute assistance measures, such as arranging an alternative business, paying business closure assistance funds, and arranging loans. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Details regarding assistance measures referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 71 (Grounds for Disqualification)**

None of the following persons is eligible to register marine environmental management business: *<Amended by Act No. 12662, May 21, 2014>*

1. A person under adult guardianship;
2. A bankrupt who has not yet been reinstated;
3. A person for whom one year has not passed since his/her imprisonment with labor or heavier punishment for violating this Act was completely executed (including cases where the execution is deemed terminated) or the non-execution of such sentence became final and conclusive;
4. A person for whom one year has not passed since the revocation of the registration for marine environmental management business;

5. A corporation, any executive of which falls under any of subparagraphs 1 through 4.

**Article 72 (Duties of Marine Environmental Management Business Entities)**

(1) Every marine environment management business entity shall prepare a statement with respect to ocean waste dumping, removal of pollutants, cleaning and collection of pollutants, collection of floating or deposited wastes, and dredging and collection of accumulated pollutants, etc., submit it to the Minister of Oceans and Fisheries or to the Minister of Public Safety and Security, and prepare a ledger to be kept in the relevant ship or facility. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(2) When a marine environmental management business entity collects pollutants from ships, or marine facilities, etc., he/she shall prepare a certificate of pollutants collection confirmation, as prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries and issue it to the relevant pollutants entrusting person. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(3) Every ocean waste discharge business entity shall keep and manage wastes subject to ocean dumping, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and discharge wastes into the sea pursuant to the proviso to Article 23 (1), and shall prepare a waste transfer/takeover form prescribed by Ordinance of the Ministry of Oceans and Fisheries and submit it to the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*

(4) Details regarding the method of preparation of and the period for keeping the statement of disposal results, the ledger of disposal, pollutants collection confirmation certificate, and the waste transfer/takeover form under paragraphs (1) through (3) shall be determined by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

**Article 73 (Orders for Disposal of Entrusted Wastes, etc.)**

Where a marine environment management business entity (including suspension or closure of business) neglects to dispose of pollutants subject to disposal, such as wastes, the disposal of which is entrusted to him/her, as provided for in this Act, the Minister of Oceans and Fisheries or the Minister of Public Safety and Security may order the appropriate disposal of such pollutants, as prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

**Article 74 (Succession, etc. of Marine Environmental Management Business)**

(1) Where a marine environmental management business entity transfers his/her business to any other person or dies, or a corporate marine environmental management business entity merges with any other corporation, the transferee or successor of the business, or the corporation surviving the merger or the corporation newly established as a result of the merger shall succeed to the rights and duties concerned.

(2) Any person who has fully taken over the installations or facilities of a marine environmental management business entity through an auction under the Civil Execution Act, conversion under the

Debtor Rehabilitation and Bankruptcy Act, sale of seized property under the National Tax Collection Act, Customs Act, or Framework Act on Local Taxes, or other procedures equivalent thereto shall succeed to the rights and duties concerned. <Amended by Act No. 10219, Mar. 31, 2010>

(3) Any person who has succeeded to the duties and rights of a marine environmental management business entity pursuant to paragraphs (1) and (2) shall report thereon to the Minister of Oceans and Fisheries or the Minister of Public Safety and Security, as determined by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries within one month. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(4) Article 71 shall apply mutatis mutandis to succession under paragraphs (1) and (2).

#### **Article 75 (Revocation, etc. of Registration)**

(1) Where any of the following applies to a marine environmental management business entity, the Minister of Oceans and Fisheries or the Minister of Public Safety and Security may revoke the registration thereof or order the suspension of business (including the suspension of use of transportation ships or storage facilities only), within a given period of up to six months: Provided, That he/she shall revoke such registration where any of subparagraphs 1 through 4 applies to the marine environmental management business entity: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

1. Where the marine environmental management business entity falls under any subparagraph of Article 71: Provided, That the same shall not apply where a corporation which has an executive falling under any of subparagraphs 1 through 4 of Article 71 has replaced such executive within six months;
  2. Where the marine environment management business entity has been registered, or registered for any change by fraud or other illegal means;
  3. Where the marine environment management business entity is suspended for business on at least two occasions a year;
  4. Where the marine environment management business entity conducts business activities during suspension;
  5. Where the marine environment management business entity fails to comply with any terms and conditions of registration without any justifiable ground;
  6. Where the marine environment management business entity violates any duty under Article 72;
  7. Where the marine environment management business entity fails or refuses to comply with an order issued under Article 73;
  8. Where the marine environment management business entity fails to conduct business activities within one year after registration or has no business performance for at least one year continuously.
- (2) Detailed criteria for an administrative disposition under paragraph (1) shall be determined by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries, in consideration of the type, severity, etc. of the relevant offense. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

#### **Article 76 (Duties, etc. of Waste Disposal Entrusting Persons)**

(1) Any person who intends to entrust the disposal of wastes to an ocean waste discharge business entity shall report thereon to the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, the same shall apply to any change to important reported matters prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Any person who has reported on the entrustment of wastes for disposal pursuant to paragraph (1) (hereinafter referred to as "waste disposal entrusting person") shall measure the ingredients, concentration, weight, and volume of the wastes he/she intends to entrust for disposal, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and entrust the disposal thereof in conformity with the criteria for and method of disposal prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Any waste disposal entrusting person may allow a person capable of measuring wastes to perform the duty to measure the ingredients, concentration, weight, and volume of wastes under paragraph (2) on his/her behalf, as prescribed by Presidential Decree.

#### **Article 76-2 (Electronic Processing of Details, etc. of Waste Transfer/Takeover)**

(1) The Minister of Oceans and Fisheries may build and operate an electronic information processing system to manage information on ocean waste discharge in a systematic and efficient manner. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Where an ocean waste discharge business entity, from among marine environmental management business entities, submits a statement of disposing results under Article 72 (1) and a waste transfer/takeover form under Article 72 (3) using the electronic information processing system under paragraph (1), as prescribed by Ordinance of the Ministry of Oceans and Fisheries, he/she shall be deemed to have performed his/her duty to submit and keep the relevant data. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 77 (Marine Pollution Impact Surveys)**

(1) Where a pollutant is discharged into the sea from a ship or marine facility in at least the quantity prescribed by Presidential Decree, the owner of the ship or marine facility shall require a marine pollution impact survey institution to conduct a marine pollution impact survey.

(2) Marine pollution impact survey institutions referred to in paragraph (1) shall be designated and publicly announced by the Minister of Oceans and Fisheries in accordance with the criteria set by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Where an entity required to conduct a marine pollution impact survey pursuant to paragraph (1) fails to do so within the period set by Presidential Decree or there is an urgent need for such survey, as prescribed by Presidential Decree, the Minister of Oceans and Fisheries shall select any other survey institution to conduct the marine pollution impact survey. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) Where the Minister of Oceans and Fisheries intends to have a separate marine pollution impact survey conducted pursuant to paragraph (3), he/she shall submit the relevant matter for deliberation by the Marine Fishery Development Committee under Article 7 of the Framework Act on Marine Fishery Development, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9454, Feb. 6, 2009; Act No. 11690, Mar. 23, 2013>

#### **Article 78 (Areas and Subject Matters of Marine Pollution Impact Survey)**

A marine pollution impact survey shall be conducted for areas to be adversely affected by pollutants, such as the natural environment, living environments, and socio-economic environments, and detailed subject matters in each area shall be determined by Presidential Decree.

#### **Article 79 (Collection of Residents' Opinions)**

(1) Any marine pollution impact survey institution shall, when preparing a survey report on marine pollution impact (hereinafter referred to as "marine pollution impact survey report"), hold an explanatory meeting or public hearing in advance to collect the opinions of the residents in the area subject to the survey and include them in the marine pollution impact survey report.

(2) Any marine pollution impact survey institution shall, when collecting residents' opinions pursuant to paragraph (1), draft a marine pollution impact survey report and enable the residents to confirm the draft report in advance.

#### **Article 80 (Survey Costs)**

(1) Costs associated with marine pollution impact surveys under Article 77 (1) and (3) shall be borne by the owner of a ship or marine facility which caused a marine pollution accident, as prescribed by Presidential Decree: Provided, That the same shall not apply to natural disasters and other causes prescribed by Presidential Decree.

(2) Costs associated with marine pollution impact surveys under Article 77 (3) shall be collected in the same manner as national taxes in arrears.

#### **Article 81 (Grounds for Disqualification of Survey Institutions)**

None of the following persons shall be designated as a marine pollution impact survey institution: <Amended by Act No. 10803, Jun. 15, 2011; Act No. 12662, May 21, 2014>

1. A person under adult guardianship;
2. A bankrupt who has not yet been reinstated;
3. A person for whom two years have not passed since the revocation of designation as a marine pollution impact survey institution;
4. A person for whom two years have not passed since his/her imprisonment without labor or heavier punishment for violating this Act, the Water Quality and Aquatic Ecosystem Conservation Act, or the Clean Air Conservation Act was completely executed (including cases where the execution is deemed terminated) or the non-execution of such sentence became final and conclusive;
5. A corporation, the representative of which falls under any of subparagraphs 1 through 4.



## **Article 82 (Revocation of Designation as Survey Institutions, etc.)**

(1) Where any of the following applies to a marine pollution impact survey institution, the Minister of Oceans and Fisheries may revoke the relevant designation or issue an order for business suspension of up to one year: Provided, That he/she shall revoke the relevant designation where any of subparagraphs 1 through 4 applies to such institution: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where the marine pollution impact survey institution has obtained designation by fraud or other illegal means;
2. Where the marine pollution impact survey institution fails to meet the criteria for designation under Article 77 (2);
3. Where the marine pollution impact survey institution falls under any subparagraph of Article 81: Provided, That the same shall not apply where the representative of a corporation who falls under any of subparagraphs 1 through 4 of Article 81 is replaced within six months;
4. Where the marine pollution impact survey institution is suspended for business on at least two occasions a year;
5. Where the marine pollution impact survey institution lends its authority to any other person or subcontracts a marine pollution impact survey to any other institution en bloc;
6. Where the marine pollution impact survey institution fails to conduct a thorough survey, either intentionally or by gross negligence.

(2) Detailed criteria for an administrative disposition referred to in paragraph (1) shall be determined by Ordinance of the Ministry of Oceans and Fisheries, in consideration of the type, severity, etc. of the relevant offense. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

## **Article 83 (Continuation of Business of Marine Pollution Impact Survey Institution Subject to Cancellation of Designation or Business Suspension)**

(1) Any marine pollution impact survey institution that is subject to cancellation of designation or business suspension pursuant to Article 82 may continue its service for the marine pollution impact surveys, the contracts for which were concluded before it is subject to either of the above dispositions.

(2) Any marine pollution impact survey institution that continues to conduct an impact survey pursuant to paragraph (1) shall be deemed a marine pollution impact survey institution under this Act until its completion.

## **Article 83-2 (Management of Sunken Ships)**

(1) The Minister of Oceans and Fisheries shall take the following measures to prevent additional marine pollution accidents which may be caused by a ship sunken under the sea after any marine accident defined in subparagraph 1 of Article 2 of the Act on the Investigation of and Inquiry into Marine Accidents (hereafter referred to as "sunken ship" in this Article): <Amended by Act No. 11690, Mar. 23, 2013>

1. Systemic management of information on the sunken ship;
2. Risk assessment with respect to possible marine pollution accidents by the sunken ship;

3. Implementation of risk-mitigation measures for the sunken ship.

(2) Where necessary, the Minister of Oceans and Fisheries may, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, request the Minister of Public Safety and Security to provide information that public officials belonging to the Ministry of Public Safety and Security have acquired in the course of performing their duties. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(3) Expenses incurred in taking the measures referred to in paragraph (1) 3 shall be borne by the owner of a sunken ship, as prescribed by Presidential Decree: Provided, That where it is impracticable to identify the ship owner, the expenses may be covered by selling the relevant sunken ship, as prescribed by Presidential Decree.

(4) Methods of assessing risks under paragraph (1) 2, detailed methods of, and procedures for taking risk-mitigation measures under paragraph (1) 3, methods of calculating and paying expenses under paragraph (3), and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 84 (Consultation on Utilization of Sea Areas)**

(1) The head of an administrative agency who intends to grant any of the following licenses, permission, designation, etc. (hereinafter referred to as "license, etc.") (hereinafter referred to as "license-granting agency") shall first consult with the Minister of Oceans and Fisheries on the propriety of utilization of sea areas and its impact on the marine environment (hereinafter referred to as "consultation on utilization of sea areas"), as prescribed by Presidential Decree, before granting such license, etc. In such cases, the business subject to sea area utilization impact assessment under Article 85 (1) shall be deemed to have undergone the consultation on utilization of sea areas: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10272, Apr. 15, 2010; Act No. 11690, Mar. 23, 2013>*

1. Permission to occupy or use public waters under Article 8 of the Public Waters Management and Reclamation Act (excluding permission to occupy or use public waters following permission to extract marine aggregates and designation of marine aggregate complexes under subparagraphs 5 and 6) and a license to reclaim public waters under Article 28 of the same Act;

2. Deleted; *<by Act No. 10272, Apr. 15, 2010>*

3. A license for fishery business under Article 8 of the Fisheries Act: Provided, That this shall apply only to licenses for fishery business in sea areas prescribed by Presidential Decree;

4. Designation of prospective areas for extraction of marine aggregates under Article 21-2 of the Aggregate Extraction Act;

5. Permission to extract marine aggregates under Article 22 of the Aggregate Extraction Act;

6. Designation of marine aggregate extraction complexes under Article 34 of the Aggregate Extraction Act.

(2) Even where any other Act stipulates that permission to occupy or use or a license to reclaim public waters is deemed granted under the Public Waters Management and Reclamation Act, consultation on the

utilization of sea areas shall be held in the application of paragraph (1) 1 and 2: Provided, That this shall not apply to any of the following: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10272, Apr. 15, 2010; Act No. 11690, Mar. 23, 2013>*

1. Business for emergency measures under Article 37 of the Framework Act on the Management of Disasters and Safety;
  2. Business on which the Minister of National Defense consults with the Minister of Oceans and Fisheries as deemed necessary for confidentiality protection for military purposes or for urgent military operations, and which is determined and publicly announced by the Minister of Oceans and Fisheries.
- (3) When a license-granting agency intends to consult on the utilization of sea areas with the Minister of Oceans and Fisheries pursuant to paragraph (1), it shall submit a sea area utilization consultation form determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*
- (4) A license-granting agency may require a person who intends to engage in a business requiring a license, etc. (hereinafter referred to as "business subject to licensing"), which is subject to consultation on the utilization of sea areas pursuant to paragraph (1) (hereinafter referred to as "sea area utilization business entity"), to submit a separate form for sea area utilization consultation and may submit it in lieu of the sea area utilization consultation form referred to in paragraph (3). *<Amended by Act No. 10803, Jun. 15, 2011>*
- (5) Any sea area utilization business entity may allow an assessment agent registered under Article 86 (1), on his/her behalf, to prepare sea area utilization consultation forms submitted to license-granting agencies pursuant to paragraph (4). *<Newly Inserted by Act No. 10803, Jun. 15, 2011>*
- (6) The timing of consultation on the utilization of sea areas, and the method of preparing the sea area utilization consultation form under paragraphs (3) and (4), and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 85 (Sea Area Utilization Impact Assessment)**

(1) In consulting on the utilization of sea areas with the Minister of Oceans and Fisheries pursuant to Article 84, if the relevant business subject to licensing involves any of the following acts which is of at least the scale prescribed by Presidential Decree, a license-granting agency shall request the Minister of Oceans and Fisheries to assess its impact on the marine environment (hereinafter referred to as "sea area utilization impact assessment"): Provided, That this shall not apply to the businesses prescribed by Presidential Decree, from among those subject to environmental impact assessment under Article 22 of the Environmental Impact Assessment Act: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9037, Mar. 28, 2008; Act No. 9872, Dec. 29, 2009; Act No. 10272, Apr. 15, 2010; Act No. 10803, Jun. 15, 2011; Act No. 10892, Jul. 21, 2011; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*

1. Dredging or digging the bottom of public waters referred to in Article 8 (1) 3 of the Public Waters Management and Reclamation Act:

2. Extracting earth, sand, or stone in public waters referred to in Article 8 (1) 6 of the Public Waters Management and Reclamation Act;
3. Affecting the depth of public waters, by dumping earth and stone into public waters referred to in Article 8 (1) 8 of the Public Waters Management and Reclamation Act;
4. Extracting submarine minerals defined in subparagraph 1 of Article 2 of the Submarine Mineral Resources Development Act;
5. Extracting minerals referred to in subparagraph 1 of Article 3 of the Mining Industry Act from public waters;
6. Using and developing deep sea water defined in subparagraph 1 of Article 2 of the Development and Management of Deep Sea Water Act;
7. Extracting marine aggregates under Article 22 of the Aggregate Extraction Act;
8. Designating marine aggregate extraction complexes under Article 34 of the Aggregate Extraction Act;
9. Other acts prescribed by Presidential Decree, which affect the marine environment.

(2) Where a license-granting agency requests a sea area utilization impact assessment from the Minister of Oceans and Fisheries, it shall also submit a statement on sea area utilization impact assessment prepared by a person who intends to engage in the business subject to licensing, that requires the sea area utilization impact assessment under any subparagraph of paragraph (1) (hereinafter referred to as "business entity subject to assessment"), as determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Where a business entity subject to assessment prepares a statement on sea area utilization impact assessment pursuant to paragraph (2), he/she shall hold an explanatory meeting or public hearing, as determined by Ordinance of the Ministry of Oceans and Fisheries, and take necessary procedures, including the collection of opinions of interested persons. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

(4) Where a business entity subject to assessment prepares a statement on sea area utilization impact assessment pursuant to paragraph (2), he/she may allow an assessment agent registered under Article 86 (1) to do so on his/her behalf.

(5) The details and method of preparing a statement on sea area utilization impact assessment, and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 86 (Registration, etc. of Assessment Agents)**

(1) Any person who intends to engage in the business of an agent to prepare sea area utilization consultation forms referred to in Article 84 (5) and statements on sea area utilization impact assessment referred to in Article 85 (4) (hereinafter referred to as "sea area utilization consultation form, etc.") shall file for registration with the Minister of Oceans and Fisheries, as prescribed by Presidential Decree, being equipped with the skills, facilities, and equipment prescribed by Ordinance of the Ministry of Oceans and

Fisheries. In such cases, the same shall apply where a person registered as an agent to conduct the business of preparing sea area utilization consultation forms, etc. (hereinafter referred to as "assessment agent") intends to make changes to the registered matters determined to be important by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

(2) When an assessment agent intends to close his/her business, he/she shall notify the Minister of Oceans and Fisheries of such fact. <Newly Inserted by Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

(3) Procedures for registration as assessment agents, procedures for issuing certificates of registration and notifying closure of business under paragraphs (1) and (2) and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

### **Article 87 (Grounds for Disqualification)**

None of the following persons shall be registered as an assessment agent: <Amended by Act No. 12662, May 21, 2014>

1. A person under adult guardianship;
2. A bankrupt who has not yet been reinstated;
3. A person for whom two years have not passed since the revocation of registration as an assessment agent;
4. A person for whom two years have not passed since his/her imprisonment with labor or heavier punishment for violating this Act was completely executed (including cases where the execution is deemed terminated) or the non-execution of such sentence became final and conclusive;
5. A corporation, the representative director of which falls under any of subparagraphs 1 through 4.

### **Article 88 (Matters to be Observed by Sea Area Utilization Business Entities, etc.)**

Sea area utilization business entities and business entities subject to assessment (hereinafter referred to as "sea area utilization business entities, etc.") or assessment agents shall observe the following, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>

1. Not to reproduce the contents of any other sea area utilization consultation forms, etc.;
2. To keep sea area utilization consultation forms, etc. for the period determined by Ordinance of the Ministry of Oceans and Fisheries;
3. Not to prepare false materials which serve as a basis for sea area utilization consultation forms, etc.;
4. Not to lend a registration certificate or the title thereof to any third person;
5. Not to subcontract, in a lump, tasks associated with sea area utilization consultation or sea area utilization impact assessment (hereinafter referred to as "sea area utilization consultation, etc.") contracted.

### **Article 89 (Revocation, etc. of Registration of Assessment Agents)**

(1) Where any of the following applies to an assessment agent, the Minister of Oceans and Fisheries may revoke his/her registration or issue an order for business suspension for up to six months: Provided, That he/she shall revoke the relevant registration where any of subparagraphs 1, 3 through 5, and 5-2 applies to the assessment agent: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*

1. Where the assessment agent has obtained registration or registration for modification by fraud or other illegal means;
  2. Where the assessment agent fails to meet the requirements for skills, facilities, and equipment under Article 86 (1);
  3. Where the assessment agent falls under any subparagraph of Article 87: Provided, That the same shall not apply where the representative director of a corporation who falls under any of subparagraphs 1 through 4 of Article 87 is replaced within six months;
  4. Where the assessment agent fails to commence the business of sea area utilization consultation, etc. within two years after registration or continues to have no business performance on sea area utilization consultation, etc. for at least two consecutive years;
  5. Where the assessment agent who has been subject to business suspension on two occasions for the past one year and repeats an act constituting a ground for business suspension;
  - 5-2. Where the assessment agent conducts business activities (including the conclusion of contracts), such as sea area utilization consultation, etc. during business suspension;
  6. Where the assessment agent violates Article 88;
  7. Where the assessment agent falsely prepares a sea area utilization consultation form, etc. or submits a poorly prepared sea area utilization consultation form, etc. either intentionally or by gross negligence.
- (2) Detailed criteria for administrative disposition under paragraph (1) shall be determined by Ordinance of the Ministry of Oceans and Fisheries, in consideration of the types, severity, etc. of the relevant offenses. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

**Article 90 (Continuation of Business of Assessment Agent Subject to Cancellation of Registration or Business Suspension)**

(1) Any assessment agent who has received a disposition of cancellation of registration or business suspension pursuant to Article 89 may continue to provide his/her service relating to the preparation of sea area utilization consultation forms, etc. contracted before receiving such disposition. *<Amended by Act No. 10803, Jun. 15, 2011>*

(2) Any assessment agent who continues the business of preparing sea area utilization consultation forms, etc. pursuant to paragraph (1) shall be considered to be an assessment agent under this Act until the completion of such business. *<Amended by Act No. 10803, Jun. 15, 2011>*

**Article 91 (Notification, etc. of Opinions)**

(1) Upon receipt of a request for sea area utilization consultation, etc. from a license-granting agency, the Minister of Oceans and Fisheries shall examine the sea area utilization consultation forms, etc. submitted

and notify the license-granting agency of his/her opinion thereon, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries shall seek an opinion from an agency in charge of reviewing impact following the sea area utilization consultation, etc., which is determined by Presidential Decree (hereinafter referred to as "sea area utilization impact review agency") before notifying his/her opinion on the sea area utilization consultation, etc. pursuant to paragraph (1): Provided, That the same shall not apply to businesses prescribed by Presidential Decree, which have an insignificant impact on the marine environment, from among the businesses subject to sea area utilization consultation, etc. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries shall first seek an opinion from the Minister of Environment before notifying his/her opinion on the sea area utilization consultations on the areas falling under Article 84 (1) 4 and 6, pursuant to paragraph (1), if the relevant prospective area for marine aggregate extraction and marine aggregate extraction complex include coastal areas (referring to the areas within one kilometer towards land and ten kilometers towards sea based on the coastline). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) When a license-granting agency, notified of the opinion on the sea area utilization consultation, etc., grants a license, etc., it shall notify the Minister of Oceans and Fisheries thereof. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 92 (Raising Objections)**

(1) Where a sea area utilization business entity, etc. or a license-granting agency has an objection to the opinion notified by the Minister of Oceans and Fisheries pursuant to Article 91, it may file an objection with the Minister of Oceans and Fisheries within 90 days, as prescribed by Presidential Decree. In such cases, the sea area utilization business entity, etc. shall file an objection through the license-granting agency. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013>*

(2) Upon receipt of an objection filed under paragraph (1), the Minister of Oceans and Fisheries shall examine whether the grounds for the objection are reasonable and notify the person who filed the objection of the result thereof within 60 days, as prescribed by Presidential Decree: Provided, That the deadline for notification may be extended for up to another 30 days under unavoidable circumstances. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 93 (Ex Post Facto Management)**

(1) Where a license-granting agency grants a license, etc. without the sea area utilization consultation, etc., or grants a license, etc. without reflecting opinions on the sea area utilization consultation, etc., the Minister of Oceans and Fisheries may request the relevant license-granting agency to take necessary measures, such as revoking the relevant license, etc., suspending business, removing and suspending the operation of structures, and reinstatement. In such cases, the license-granting agency in question shall comply therewith, except under special circumstances. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Any license-granting agency shall verify whether sea area utilization business entities, etc. implement the opinion of the Minister of Oceans and Fisheries on the sea area utilization consultation, etc. under Article 84 (1), and order them to take necessary measures, as prescribed by Presidential Decree, where the sea area utilization business entities, etc. fail to do so. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Where any license-granting agency fails to verify whether the opinion on the sea area utilization consultation, etc. is being implemented or substantially delays the implementation thereof, the Minister of Oceans and Fisheries may verify it on his/her own, notwithstanding paragraph (2); and where deemed necessary to implement the opinion on sea area utilization consultation, etc., he/she may request the license-granting agency to order suspension of construction works or to take other necessary measures. *<Newly Inserted by Act No. 12662, May 21, 2014>*

(4) Upon receipt of a request from the Minister of Oceans and Fisheries pursuant to paragraph (3), a licensing-granting agency shall comply therewith, except under extenuating circumstances. *<Newly Inserted by Act No. 12662, May 21, 2014>*

#### **Article 94 (Sea Area Utilization Consultation, etc. following Revisions of Business Plans)**

(1) Where a sea area utilization business entity, etc. revises his/her business plan after obtaining a license, etc. from a license-granting agency, it shall again take the procedures for sea area utilization consultation, etc. Provided, That in cases where such revision has an insignificant impact on the marine environment, such procedures shall be omitted. *<Amended Act No. 10803, Jun. 15, 2011>*

(2) Articles 84, 85, and 91 through 93 shall apply mutatis mutandis to the details of and procedures for sea area utilization consultation, etc. under the main sentence of paragraph (1). *<Amended by Act No. 10803, Jun. 15, 2011>*

#### **Article 95 (Marine Environmental Impact Surveys, etc.)**

(1) Any sea area utilization business entity, etc. shall survey the impact on the marine environment (hereinafter referred to as "marine environmental impact survey"), which may be caused by the business activities conducted after obtaining a license, etc. and notify the results thereof to the relevant license-granting agency and the Minister of Oceans and Fisheries. In such cases, the sea area utilization business entity, etc. may have an assessment agent conduct such marine environmental impact survey on his/her behalf. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Where the Minister of Oceans and Fisheries deems that damage has been caused to the marine environment in light of the marine environmental impact survey results notified pursuant to paragraph (1), he/she shall allow the license-granting agency to take measures to reduce damage to the marine environment, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as changing construction methods or reducing business size. In such cases, the license-granting agency shall notify the Minister of Oceans and Fisheries of the result of such measures. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*



(3) Deleted. <by Act No. 8852, Feb. 29, 2008>

(4) Matters regarding business activities subject to a marine environmental impact survey pursuant to paragraph (1), the items and period of the survey, etc. shall be determined by Presidential Decree.

<Amended by Act No. 11479, Jun. 1, 2012>

#### **Article 96 (Establishment of Corporation)**

(1) The Korea Marine Environment Management Corporation (hereinafter referred to as the "Corporation") shall be established to carry out projects for the preservation, management, and improvement of the marine environment, marine pollution response projects, and projects for marine environment- and marine pollution-related technical development, education and training, etc.

(2) The Corporation shall be a legal entity.

(3) The Corporation may have branch offices, business offices, research institutes, educational institutes, etc., as prescribed by the articles of association.

#### **Article 97 (Projects)**

(1) The Corporation shall carry out the projects in each of the following subparagraphs:

1. Projects for the preservation and management of the marine environment;
2. Projects for the improvement of the marine environment specified in each of the following items:
  - (a) Collection and disposal of pollutants;
  - (b) Installation and operation of pollutants storage facilities, and trust management;
  - (c) Salvaging and towing of ships to prevent the discharge of pollutants;
  - (d) Marine environment-related testing, survey, research, design, development and supervision of construction work;
3. Projects for responding to marine pollution detailed in each of the following items:
  - (a) Performance of marine pollution response duties, and placement and installation of pollution response vessels, etc. (including cases where such work is entrusted or executed vicariously);
  - (b) Provision of materials and chemicals necessary for marine pollution response, installation of storage facilities for such materials and chemicals, etc. (including cases where such work is entrusted or executed vicariously);
  - (c) Other projects prescribed by Presidential Decree, which are related to marine pollution response;
4. Projects incidental to those referred to in subparagraphs 1 through 3, which are prescribed by the articles of association;
5. Marine environment-related international cooperation and technical outsourcing;
6. Education and training, and PR on the marine environment;
7. Projects entrusted by the State or local governments in relation to subparagraphs 1 through 6;
8. Other projects prescribed by Presidential Decree, which are necessary to achieve the objective of the establishment of the Corporation.

(2) Where necessary for the preservation and management of the marine environment in performing the projects under paragraph (1), the Corporation may install facilities prescribed by Presidential Decree or

transfer installed facilities to another person.

#### **Article 98 (Articles of Association)**

(1) The following shall be included in the articles of association of the Corporation:

1. Objectives;
2. Name;
3. Matters concerning the principal office, branch offices, business offices, or research institutes;
4. Matters concerning the qualifications of executives and employees;
5. Matters concerning the board of directors;
6. Matters concerning business affairs and the execution thereof;
7. Matters concerning property and accounting;
8. Matters concerning the method of amending the articles of association and method of giving public notice;
9. Matters concerning the enactment and amendment of internal rules and regulations.

(2) The Corporation shall obtain authorization of the articles of association from the Minister of Oceans and Fisheries. The same shall apply to any amendment to the articles of association of the Corporation.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 99 (Executives)**

(1) The executives of the Corporation shall consist of five to nine directors, including one president, and one auditor. In such cases, the fixed number of the directors shall be determined by the articles of association.

(2) The directors referred to in paragraph (1) shall consist of four standing directors and remaining non-standing directors.

(3) The Minister of Oceans and Fisheries shall appoint the president and the auditor. In such cases, the Minister of Oceans and Fisheries may dismiss the president or auditor during his/her term of office if it is deemed difficult for them to perform their duties. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) The president shall appoint directors, upon approval from the Minister of Oceans and Fisheries. In such cases, when deemed impracticable for any director to perform his/her duties, the president may dismiss any director during his/her term of office if it is deemed difficult for him/her to perform his/her duties. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(5) Each executive shall hold office for a term of three years, and may be re-appointed for further terms.

#### **Article 100 (Duties of Executives)**

(1) The president shall represent the Corporation and exercise overall control over the affairs thereof.

(2) The directors shall assist the president and take partial charge of the business affairs of the Corporation, as prescribed by the articles of association, and act for the president in the order prescribed by the articles of association if the president is unable to perform his/her duties due to unavoidable circumstances.

(3) The auditor shall audit the business affairs and accounts of the Corporation.

#### **Article 101 (Grounds for Disqualification of Executives)**

(1) None of the following persons shall become an executive: <Amended by Act No. 12662, May 21, 2014>

1. A person who is not a national of the Republic of Korea;
2. A person under adult guardianship or a person under limited guardianship;
3. A bankrupt who has not yet been reinstated;
4. A person for whom two years have not passed since his/her imprisonment without labor or heavier punishment was completely executed (including cases where the execution is deemed terminated) or the non-execution of such sentence became final and conclusive;
5. A person who is under the suspension of the sentence of imprisonment without labor or heavier punishment;
6. A person who has been disqualified or whose qualification has been suspended by court ruling or by other Acts.

(2) Any executive who falls under any provisions of paragraph (1), or is proven to fall under any provisions of paragraph (1) as at the time he/she was appointed as an executive shall automatically resign.

(3) Any act done by an executive who retired from office pursuant to paragraph (2) before his/her retirement shall remain in effect.

#### **Article 102 (Board of Directors)**

(1) The board of directors shall be established in the Corporation to resolve on important matters concerning the business affairs of the Corporation.

(2) The board of directors shall be comprised of the president and directors, and the president shall convene the meetings of the board of directors and preside over such meetings.

(3) The board of directors shall pass a resolution with the attendance of a majority of the registered members and the consent of a majority of those present.

(4) The auditor may state his/her opinion, appearing at the meetings of the board of directors.

(5) Matters necessary for the operation of the board of directors shall be determined by Presidential Decree.

#### **Article 103 (Sources of Finance)**

The funds needed to operate the Corporation and carry out its projects shall be financed by each of the following:

1. Pollution response contributions under Article 69;
2. Profits coming from the projects under Article 97;
3. Loans from outside lenders under Article 104 (3);
4. Funds created by the issue of bonds under Article 106;
5. Fees under Article 122 (2);
6. Earnings from asset management;

7. Subsidies from the Government;
8. Contributions under relevant statutes;
9. Other revenues prescribed by the articles of association.

**Article 104 (Investments, etc.)**

- (1) The Corporation may make investments or donations in the fields related to the projects referred to in Article 97 upon a resolution by the board of directors, if necessary to efficiently perform its projects.
- (2) Matters necessary for making investments or donations under paragraph (1) shall be determined by Presidential Decree.
- (3) The Corporation may borrow funds (including borrowing funds from international organizations, foreign governments, or foreigners), if deemed necessary to carry out the projects referred to in Article 97. In such cases, it shall obtain approval from the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

**Article 105 (Gratuitous Lending of State or Public Property)**

Notwithstanding the State Property Act, Commodity Management Act, Local Finance Act, and Public Property and Commodity Management Act, the State or a local government may gratuitously lend State or public property to the Corporation or permit the Corporation to use State or public property for profit.

**Article 106 (Issuance of Bonds)**

- (1) The Corporation may issue bonds upon a resolution by the board of directors. In such cases, it shall obtain approval from the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*
- (2) The Minister of Oceans and Fisheries shall first consult with the Minister of Strategy and Finance before approving the issuance of bonds under paragraph (1). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*
- (3) The State may guarantee the redemption of the principal and interest accrued from bonds issued by the Corporation.
- (4) The validity of such bonds shall be five years for the principal and two years for interest, commencing from the date of redemption.
- (5) Other matters necessary for issuing bonds shall be determined by Presidential Decree.

**Article 107 (Budget, Settlement of Accounts, etc.)**

- (1) The fiscal year of the Corporation shall coincide with that of the Government.
- (2) The Corporation shall obtain approval for its business plan and budget for each fiscal year from the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. The same shall apply to any modification to the approved matters. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*
- (3) The Corporation shall prepare a balance sheet of the settlement of accounts within three months after the end of each fiscal year and submit it to the Minister of Oceans and Fisheries for approval. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

### **Article 108 (Guidance and Supervision of Affairs)**

(1) The Minister of Oceans and Fisheries shall guide and supervise the affairs of the Corporation, and may give the Corporation directions or orders regarding its business affairs, if deemed necessary: Provided, That the Minister of Public Safety and Security may, as prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries, provide guidance and supervision in connection with emergency pollution response measures, from among the projects referred to in Article 97 (1) 3. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(2) The Minister of Oceans and Fisheries may require the Corporation to report on its affairs, accounting, and property or require a subordinate public official to inspect its books, documents, and others, if deemed necessary. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

### **Article 109 (Civil Act Applicable Mutatis Mutandis)**

Except as otherwise provided for in this Act, the provisions of the Civil Act governing incorporated foundations shall apply mutatis mutandis to the Corporation.

### **Article 110 (Type Approval, etc. for Marine Environment Measuring Apparatus, etc.)**

(1) Any person who intends to manufacture or import the equipment and apparatus necessary to measure, analyze, or examine the state of the marine environment under Article 12 (1) (hereinafter referred to as "marine environment measuring apparatus") shall obtain type approval from the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the same shall not apply to the manufacture and import of marine environment measuring apparatus for purposes of testing, research, or development, which are confirmed by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*

(2) Any person who intends to use marine environment measuring apparatus shall undergo an accuracy inspection conducted by the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and any person who intends to supply or use standard substances, such as a standard solution and standard gas (hereinafter referred to as "correctional article"), which are used for such inspection, shall obtain authorization from the Ministry of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Any person who intends to manufacture, produce, or import marine pollution prevention facilities (excluding noxious liquid substance pollution prevention facilities), anti-fouling systems, and shipboard incineration facilities (hereinafter referred to as "facilities subject to type approval") prescribed by Ordinance of the Ministry of Oceans and Fisheries shall obtain type approval from the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That the same shall not apply to the manufacture, production, or import of facilities subject to type approval for purposes of testing, research, or development, which are confirmed by the Minister of Oceans and

Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

(4) Any person who intends to manufacture, produce, or import materials or chemicals used for removing or preventing pollutants pursuant to Article 66 (1) shall obtain type approval from the Minister of Public Safety and Security, as prescribed by Ordinance of the Prime Minister: Provided, That the same shall not apply to the manufacture, production, or import of materials or chemicals used for response against or prevention of pollutants for purposes of testing, research, or development, which are confirmed by the Minister of Public Safety and Security, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(5) Any person who intends to obtain type approval under paragraphs (1), (3), and (4), as prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries, shall first undergo a performance test of marine environment measuring apparatus, facilities subject to type approval, or materials or chemicals, which is conducted by the Minister of Oceans and Fisheries or the Minister of Public Safety and Security. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(6) Where a person who has obtained type approval under paragraphs (1), (3), and (4) manufactures, produces, or imports marine environment measuring apparatus, facilities subject to type approval, or materials or chemicals, he/she shall obtain authorization for the respective relevant article from the Minister of Oceans and Fisheries or the Minister of Public Safety and Security. In such cases, any facility subject to type approval, or material or chemical that has obtained such authorization shall be deemed to have passed an inspection first conducted, from among the marine pollution prevention ship inspections. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(7) Any person who installs a facility subject to type approval, or provides and keeps materials or chemicals on a ship in a country which is a party to the agreement shall obtain the recognition from the Minister of Oceans and Fisheries or the Minister of Public Safety and Security, as prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. In such cases, articles so recognized shall be deemed to have obtained type approval, or to have undergone a performance test and accuracy inspection under paragraphs (3) through (5). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(8) Article 60 shall apply mutatis mutandis to any objection to authorization for facilities subject to type approval, or for materials and chemicals provided for in paragraph (6). In such cases, "inspection" and "re-inspection" in Article 60 shall be construed as "authorization" and "re-authorization," respectively. <Amended by Act No. 11479, Jun. 1, 2012>

(9) When any of the following applies to a person who has obtained type approval under paragraphs (1), (3), and (4), the Minister of Oceans and Fisheries or the Minister of Public Safety and Security may revoke such approval, or issue an order for business suspension of up to six months, as prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries: Provided, That

he/she shall revoke such approval if subparagraph 1 applies to the person: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. Where he/she has obtained type approval by fraud or other illegal means;
2. Where he/she has obtained authorization by fraud or other illegal means;
3. Where he/she has sold marine environment measuring apparatus, facilities subject to type approval, or materials and chemicals, which fail to meet standards;
4. Where he/she has not conducted business for at least two consecutive years without justifiable grounds.

#### **Article 110-2 (Certification of Performance)**

(1) Any person who intends to manufacture, produce, or import pollution prevention facilities, materials, or chemicals, other than facilities subject to type approval, materials, or chemicals provided for in Article 110 (3) and (4) (hereinafter referred to as "facilities, etc. excluded from type approval"), may obtain certification of performance from the Minister of Oceans and Fisheries or the Minister of Public Safety and Security in accordance with the procedures and methods prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(2) Any person who intends to obtain certification of performance under (1) shall first undergo a performance test conducted by the Minister of Oceans and Fisheries or the Minister of Public Safety and Security, as prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries, on the facilities, etc. excluded from type approval. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(3) Where a person who has obtained certification of performance pursuant to paragraph (1) manufactures, produces, or imports the certified facilities, etc. excluded from type approval, he/she shall obtain authorization from the Minister of Oceans and Fisheries or the Minister of Public Safety and Security, as prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(4) Where any of the following applies to a person who has obtained certification of performance pursuant to paragraph (1), the Minister of Oceans and Fisheries or the Minister of Public Safety and Security may revoke the relevant certification of performance, as prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. Where he/she has obtained such certification of performance by fraud or other illegal means;
2. Where he/she has obtained the relevant authorization by fraud or other illegal means;
3. Where he/she has not conducted business for at least two consecutive years without justifiable grounds.

#### **Article 111 (Reporting, etc. on Dismantling of Ships)**

(1) Any person who intends to dismantle a ship shall prepare a work plan to prevent the discharge of pollutants in the course of the dismantling process, as prescribed by Ordinance of the Prime Minister, and report it to the Minister of Public Safety and Security by not later than seven days before the commencement of dismantling: Provided, That the same shall not apply where a ship is dismantled by methods determined by Ordinance of the Prime Minister, such as dismantling conducted on land.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(2) Where a work plan reported pursuant to paragraph (1) is deemed insufficient or is deemed not performed, the Minister of Public Safety and Security may issue an order for correction as necessary.

*<Amended by Act No. 12844, Nov. 19, 2014>*

(3) Any sea area management authority may establish and operate a ship dismantling yard which conforms to the criteria for facilities and is equipped with apparatus, etc. determined by Ordinance of the Ministry of Oceans and Fisheries for the dismantling of neglected ships and their smooth disposal.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

#### **Article 112 (Acting as Agent in Performing Duties, etc.)**

(1) The Minister of Oceans and Fisheries may allow the Korea Ship Safety Technology Authority provided for in Article 45 of the Ship Safety Act (hereinafter referred to as the "Korea Ship Safety Technology Authority") or a ship-classifying corporation provided for in Article 60 (2) of the same Act (hereinafter referred to as "ship-classifying corporation") to act as agent in performing the following duties. In such cases, the Minister of Oceans and Fisheries shall conclude an agreement, as prescribed by Presidential Decree: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

1. Issuing approval seals for guidebooks on the methods and facilities for discharging noxious liquid substances provided for in Article 27 (3);
- 1-2. Issuing approval seals for ship-to-ship oil transfer plans under Article 32-2 (1);
2. Conducting inspections of oil vapor discharge control units provided for in Article 47 (3);
- 2-2. Issuing approval seals for volatile organic compounds management plans under Article 47-2 (1);
3. Conducting inspections and preliminary inspections of marine pollution prevention ships and energy efficiency inspections: Provided, That the designation of an agent to inspect a facility for preventing the discharge of nitrous oxides from a diesel engine, from among air pollution prevention facilities, shall be first consulted on with the Minister of Environment;
4. Issuing marine pollution prevention inspection certificates provided for in Article 49 (2), temporary marine pollution prevention inspection certificates provided for in Article 52 (2), anti-fouling system inspection certificates provided for in Article 53 (2), preliminary inspection certificates provided for in Article 54 (2), energy efficiency inspection certificates provided for in Article 54-2 (2), and inspection certificates under the international agreements provided for in Article 55 (1);
5. Extending the validity of marine pollution prevention inspection certificates and of inspection certificates under the international agreements provided for in Article 56 (2).



(2) The Minister of Public Safety and Security may allow the Korea Ship Safety Technology Authority or a ship-classifying corporation to act as agent in performing duties regarding the approval seal for contingency plans for marine pollution by ships. In such cases, the Minister of Public Safety and Security shall conclude an agreement, as prescribed by Presidential Decree. <Amended by Act No. 12844, Nov. 19, 2014>

(3) The Minister of Oceans and Fisheries or the Minister of Public Safety and Security may allow an agent who meets the criteria for designation determined by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries and determined and publicly announced by the Minister of Oceans and Fisheries or the Minister of Public Safety and Security to act as agent in performing duties regarding the type approval, accuracy inspections, performance tests, authorization, and recognition provided for in Article 110 (1), (2), and (4) through (7), and performance tests and authorization provided for in Article 110-2 (2) and (3). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(4) Matters regarding the requirements for designation, and guidance and supervision of agents provided for in paragraph (3) shall be determined by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

#### **Article 113 (Cancellation of Designation as Agents, etc. in Performing Duties)**

(1) Where any of the following applies to an agent under Article 112 (1) through (3), the Minister of Oceans and Fisheries or the Minister of Public Safety and Security may cancel the relevant agreement or designation as agent: Provided, That if subparagraph 1 applies to the agent, such agreement or designation shall be cancelled: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

1. Where the agency agreement or designation of agent is concluded or made by fraud or other illegal means;
2. Where the agent fails to meet any of the requirements for designation under Article 112 (4) (limited to the designation of an agent);
3. Where the agent fails to act as agent in performing duties for at least three months without justifiable grounds;
4. Where the person who performs duties as agent violates any provisions of the agreement concluded in relation to such duties.

(2) Notwithstanding paragraph (1), where a person designated as an inspection agent through consultation under the proviso to Article 112 (1) 3 violates any provisions of the agreement under Article 112 (1), the Minister of Environment may request the Minister of Oceans and Fisheries to cancel the relevant agreement. In such cases, the Minister of Oceans and Fisheries shall comply therewith, except under extenuating circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for cancelling agency agreements or designation of agents under paragraphs (1) and (2) shall be determined by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

#### **Article 114 (Cooperation of Relevant Administrative Organs)**

(1) The Minister of Public Safety and Security or sea area management authorities may, where deemed necessary to achieve the objective of this Act, request the head of a relevant administrative organ to provide data and information needed for marine environmental management or marine pollution prevention, and mobilize personnel and equipment for urgent marine pollution prevention, respectively. *<Amended by Act No. 12844, Nov. 19, 2014>*

(2) The Corporation may, where necessary to conduct its businesses under Article 97, request relevant administrative organs to render necessary cooperation such as perusal, reproduction, etc. of data or information.

(3) The heads of relevant administrative organs requested to render cooperation by the Minister of Public Safety and Security, sea area management authorities, or the Corporation pursuant to paragraphs (1) and (2) shall comply therewith, unless any special circumstances exist otherwise. *<Amended by Act No. 12844, Nov. 19, 2014>*

#### **Article 115 (Entrance for Inspection, Reporting, etc.)**

(1) The Minister of Oceans and Fisheries may, as prescribed by Presidential Decree, allow a subordinate public official to enter a ship to verify and inspect the related documents, facilities, equipment, and fuel oil. *<Amended by Act No. 9872, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may, as prescribed by Presidential Decree, allow a subordinate public official to request necessary materials or a report from the owners of marine facilities (excluding the duties provided for in Articles 34 through 36 and 67), ship oil suppliers, persons who have installed an oil vapor discharge control unit under Article 47 (2), and persons who engage in the ocean waste collection business or deposited pollutants collection business under Article 70 (1) 4 and 5, and to enter the facilities (including business places and offices; hereafter the same shall apply in this Article) for verification and inspection or to inspect the related documents, facilities, or equipment. *<Newly Inserted by Act No. 9872, Dec. 29, 2009; Act No. 11479, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Public Safety and Security may, as prescribed by Presidential Decree, allow a subordinate public official (applicable only to public officials designated as marine environmental guards under Article 116; hereafter the same shall apply in this Article) to request necessary materials or a report from the owners of marine facilities (applicable only to the duties provided for in Articles 34 through 36 and 67), persons who engage in the ocean waste discharge business, marine pollution response business, or oil hold cleaning business under Article 70 (1) 1 through 3, and waste disposal entrusting persons provided for in Article 76, and to enter the facilities for verification and inspection or to inspect the related documents, facilities, or equipment. *<Amended by Act No. 9872, Dec. 29, 2009; Act No. 11479, Jun. 1, 2012; Act No. 11597, Dec. 18, 2012; Act No. 12844, Nov. 19, 2014>*

(4) Notwithstanding paragraph (1), where an emergency prescribed by Presidential Decree occurs aboard a ship in connection with marine pollution, the Minister of Public Safety and Security may allow a subordinate public official to enter the ship for verification or inspection or to inspect the related documents, facilities, or equipment. *<Amended by Act No. 12844, Nov. 19, 2014>*

(5) Any public official who makes an entrance for inspection, etc. under paragraphs (1) through (4) shall carry a certificate indicating his/her authority and present it to interested persons, and shall inform them of the purpose of entrance, his/her name, etc. in detail. *<Amended by Act No. 9872, Dec. 29, 2009>*

(6) No interested person, such as a ship owner, shall refuse, interfere with, or evade the entrance for inspection, request for materials, reports, etc. by public officials under paragraphs (1) through (4) without justifiable grounds. *<Amended by Act No. 9872, Dec. 29, 2009>*

(7) With respect to the entrance for inspection, and reports, the Minister of Oceans and Fisheries or the Minister of Public Safety and Security may build and use computer networks to deal with affairs, including guidance and inspections, advance notice of inspections, and notification of the inspection results, as determined by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9872, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

#### **Article 116 (Marine Environmental Guards)**

(1) The Minister of Oceans and Fisheries or the Minister of Public Safety and Security may designate subordinate public officials as marine environmental guards to perform the duties under Article 115 (1) through (4). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9872, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(2) Necessary matters, such as the appointment, qualifications, duties, etc. of marine environmental guards under paragraph (1), shall be determined by Presidential Decree. *<Amended by Act No. 9872, Dec. 29, 2009>*

#### **Article 117 (Stopping, Search, Seizure of Ships, Prohibition of Ships from Entry into or Departure from Ports, etc.)**

Where it is deemed that a ship is suspected of violating this Act, the Minister of Public Safety and Security or sea area management authorities may stop, search, and seize the ship or prohibit the ship from entering into or departing from a port, or issue necessary orders or take necessary measures. *<Amended by Act No. 12844, Nov. 19, 2014>*

#### **Article 118 (Confidentiality, etc.)**

(1) No current or former executive or employee of an assessment agent or a sea area utilization impact review agency shall divulge or wrongfully use confidential information he/she has become aware of in the course of performing his/her duties regarding preparation of sea area utilization consultation forms, etc. and sea area utilization impact review. *<Amended by Act No. 10803, Jun. 15, 2011>*

(2) No current or former executive or employee of the Corporation shall divulge or wrongfully use confidential information he/she has become aware of in the course of performing his/her duties.

(3) No current or former executive or employee of an institution or organization which acts as an agent in performing duties under Article 112 shall divulge or wrongfully use confidential information he/she has become aware of in the course of performing such duties.

#### **Article 119 (Subsidies from National Treasury, etc.)**

(1) Where a local government takes any of the following measures, subsidies may be granted from the National Treasury to fully or partially cover the associated expenses:

1. Marine environmental improvement measures under Article 18;
2. Operation of ships or disposing facilities to collect and dispose of wastes under Article 24 (3);
3. Installation and operation of pollutant storage facilities under Article 38 (1).

(2) The State may provide a financial support to cover the expenses incurred in installing or improving marine pollution prevention facilities, pollutant storage facilities, and other marine pollution prevention facilities.

(3) The State or a local government may support civil organizations which work for the preservation and management of the marine environment and marine pollution prevention, as prescribed by Presidential Decree.

#### **Article 119-2 (Monetary Rewards for Reporting)**

(1) The Minister of Oceans and Fisheries, the Minister of Public Safety and Security, a Mayor/Do Governor, or the head of a Si/Gun/Gu may pay a monetary reward, within budgetary limits, to those who report or inform any of the following persons to the competent administrative agency or investigative agency: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. A person who discharges pollutants generated from a ship or marine facilities, etc., in violation of Article 22 (1) or (2);
2. A person who discharges wastes into the sea, other than the sea area prescribed by Ordinance of the Ministry of Oceans and Fisheries, in violation of Article 23 (1).

(2) Standards, methods, and procedures for the payment of the monetary reward under paragraph (1), the specific amount to be paid, and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 120 (Hearings)**

The Minister of Oceans and Fisheries or the Minister of Public Safety and Security shall hold a hearing, as prescribed by the Administrative Procedures Act, in order to impose any of the following dispositions: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. Revocation of certification of measuring and analyzing capabilities under Article 13 (3);
2. Revocation of registration under Article 75;
3. Revocation of designation under Article 82;
4. Revocation of registration under Article 89;
5. Revocation of type approval under Article 110 (9);

6. Revocation of certification of performance under Article 110-2 (4).

#### **Article 121 (Education and Training for Marine Pollution Prevention Managers, etc.)**

Any person who has appointed a marine pollution prevention manager under Article 32 or 36, and any person who has employed technical staff engaging in the marine environmental management business under Article 70 (2) shall have the relevant employees receive education and training on marine pollution prevention and pollution response at least once every five years, as prescribed by Presidential Decree: Provided, That where such employees are aboard a ship, such education and training may be postponed for up to one year, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

#### **Article 122 (Fees)**

(1) Any person who intends to obtain or receive type approval, accuracy inspection, certification, approval seal, inspection, performance test, authorization, recognition, and certification of performance under this Act shall pay a fee, as prescribed by Ordinance of the Prime Minister or Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(2) The Corporation may collect fees for the provision of materials and chemicals, pollution response, or the placement and installation of pollution response vessels, etc. as prescribed by the articles of association in order to conduct its businesses under Article 97.

(3) Any agent designated under Article 112 who executes type approval, accuracy inspection, approval seal, inspection, performance test, authorization, and recognition may collect fees. In such cases, prior approval shall be obtained from the Minister of Oceans and Fisheries or the Minister of Public Safety and Security. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10803, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

#### **Article 123 (Delegation and Entrustment)**

(1) The Minister of Oceans and Fisheries or the Minister of Public Safety and Security may delegate or entrust part of his/her authority under this Act to the head of an agency under his/her jurisdiction, the head of another administrative agency, or the head of a local government, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(2) A Mayor/Do Governor may delegate part of his/her authority under this Act to the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

(3) The Minister of Oceans and Fisheries and a sea area management authority may entrust the following duties to the president of the Corporation: <Amended by Act No. 11597, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>

1. Organizing marine environmental measuring networks and regularly measuring the state of the marine environment under Article 9 (1);
2. Building marine environmental information networks, providing marine environmental information, and requesting the submission of related materials under Article 11;

3. Accuracy control for measuring and analyzing institutes under Article 12 (1);
4. Managing marine environmental improvement measures under Article 18 (1);
5. Operating ships or disposing facilities under Article 24 (3);
6. Installing and operating pollutant storage facilities under Article 38 (1);
7. Installing and operating storage facilities under Article 66 (1);
8. Installing and operating ship dismantling yards under Article 111 (3);
9. Education and training for marine pollution prevention managers, etc. under Article 121.

**Article 124 (Legal Fiction as Public Official in Application of Penalty Provisions)**

Executives and employees of sea area utilization impact review agencies under Article 91 (2), the Corporation, and agencies related to the type approval, inspection, performance test, authorization, etc. under Article 112 shall be deemed public officials in the application of penalty provisions under Articles 129 through 132 of the Criminal Act. <Amended by Act No. 10803, Jun. 15, 2011>

**Article 125 (Marine Environment Preservation Association)**

(1) The Marine Environment Preservation Association (hereinafter referred to as "Association") shall be established to conduct research, education, public relations, etc. for the preservation and management of the marine environment and ecosystems.

(2) The Association shall be a legal entity.

(3) The organization and operation of the Association and other necessary matters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Except as otherwise provided for in this Act, the provisions of the Civil Act governing incorporated associations shall apply mutatis mutandis to the Association.

**Article 126 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for up to five years or by a fine of up to 50 million won:

1. A person who discharges oil from ships or marine facilities in violation of Article 22 (1) and (2);
2. A person who violates an order under Article 93 (2).

**Article 127 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for up to three years or by a fine of up to 30 million won:

1. A person who discharges wastes, noxious liquid or harmful substances in packaged form from ships or marine facilities in violation of Article 22 (1) and (2);
2. A person who discharges oil from ships or marine facilities by negligence in violation of Article 22 (1) and (2);
3. A person who operates a ship for navigation in violation of Article 57 (1) through (3);
4. A person who fails to take pollution response measures or violates an order to take measures under Article 64 (1) or (3);

5. A person who fails to take measures to prevent discharge of pollutants under Article 65 or violates an order to take measures.

#### **Article 128 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for up to two years or by a fine of up to 20 million won: <Amended by Act No. 10803, Jun. 15, 2011; Act No. 11479, Jun. 1, 2012>

1. A person who discharges wastes, noxious liquid, or harmful substances in packaged form from ships or marine facilities by negligence in violation of Article 22 (1) and (2);
2. A person who navigates a ship without installing a waste pollution prevention facility pursuant to Article 25 (1);
3. A person who navigates a ship without installing an oil pollution prevention facility under Article 26 (1);
4. A person who navigates a ship without installing a hull structure, etc. under Article 26 (2);
5. A person who navigates a ship without installing a noxious liquid pollution prevention facility under Article 27 (1);
6. A person who installs a cargo hold on a ship in violation of Article 27 (2);
7. A person who uses harmful anti-fouling paints or harmful anti-fouling systems in violation of Article 40 (1) and (2), or fails to use or install anti-fouling paints or anti-fouling systems in conformity with lawful criteria and methods;
8. A person who fails to place or install pollution response vessels, etc. in violation of Article 67 (1);
9. A person who violates an order to prohibit ships from entering into and departing from a port or an order to suspend the use of facilities under Article 67 (3);
10. A person who conducts a marine environment management business without making registration under Article 70 (1);
11. A person who conducts business activities after his/her registration has been cancelled, or during the period of business suspension after receiving a business suspension order, pursuant to Article 75;
12. A person who fails to conduct a marine pollution impact survey provided for in Article 77 (1);
13. A person who conducts business activities after the designation thereof has been cancelled, or during the period of business suspension after receiving a business suspension order, pursuant to Article 82 (1) and Article 89 (1);
14. A person who falsely prepares a sea area utilization consultation form provided for in Article 84 (4) or a statement on sea area utilization impact assessment provided for in Article 85 (2);
15. A person who acts as an agent in preparing a sea area utilization consultation form, etc. without making registration as an assessment agent under Article 86 (1);
16. A person who falsely states the results of a marine environmental impact survey under Article 95 (1);
- 16-2. A person who sells marine environment measuring apparatus exempt from type approval pursuant to the proviso to Article 110 (1), facilities subject to type approval pursuant to the proviso to Article 110

(3), or materials or chemicals used for response against or prevention of pollutants pursuant to the proviso to Article 110 (4);

17. A person who conducts business activities after the type approval or authorization has been cancelled, or during the period of business suspension after receiving a business suspension order, pursuant to Article 110 (9);

17-2. A person who sells facilities, etc. exempt from type approval, which he/she has manufactured, produced or imported, carrying an indication of certification of performance, despite the fact that he/she has not obtained any certification of performance for such facilities, etc. pursuant to Article 110-2 (1) or that certification of performance has been cancelled;

18. A person who refuses, interferes with or evades the stopping, search and seizure of ships, the prohibition of ships from entering into or departing from a port, or other necessary orders or measures under Article 117.

### **Article 129 (Penalty Provisions)**

(1) Any of the following persons shall be punished by imprisonment with labor for up to one year, or by a fine of up to ten million won: *<Amended by Act No. 9872, Dec. 29, 2009; Act No. 10803, Jun. 15, 2011>*

1. A person who installs a facility in a specially-managed sea area or exceeds the limit on the total quantity of discharged pollutants, in violation of Article 15 (3);

2. A person who discharges wastes into the sea, in violation of Article 23 (1) (excluding a person who discharges wastes pursuant to the proviso to Article 23 (1));

3. A person who operates a ship for voyage without installing an air pollution prevention facility under Article 41 (1);

4. A person who discharges ozone layer-depleting substances, in violation of Article 42 (1);

5. A person who operates a diesel engine in excess of the permissible emission level of nitrous oxides, in violation of Article 43 (1);

6. A person who uses fuel oil which exceeds the sulfur content standards, in violation of Article 44 (1) or (2);

7. A person who supplies fuel oil which falls short of the quality standards or exceeds the sulfur content standards, in violation of Article 45 (1);

8. A person who fails to install or operate an oil vapor discharge control unit, in violation of Article 47 (2);

9. A person who installs an oil vapor discharge control unit without undergoing an inspection, in violation of Article 47 (3);

10. A person falling under Article 63 (1) 1 or 2 who fails to file a report or files a false report;

11. A person who conducts construction before the completion of the consultation or re-consultation procedures under Articles 84 and 85;

12. A person who reproduces the contents of other sea area utilization consultation forms, etc. or fails to keep sea area utilization consultation forms, etc. for a period prescribed by statutes, or prepares false sea



area utilization consultation forms, etc., in violation of subparagraphs 1 through 3 of Article 88;

13. A person who divulges or wrongfully uses confidential information, in violation of Article 118 (1).

(2) Any of the following persons shall be punished by imprisonment with labor for up to one year, or by a fine of up to five million won: <Amended by Act No. 8788, Dec. 21, 2007; Act No. 9872, Dec. 29, 2009; Act No. 10803, Jun. 15, 2011; Act No. 11597, Dec. 18, 2012>

1. A person who discharges entrusted wastes into the sea without reporting, in violation of Article 23 (2);

2. A person who installs, or maintains and operates a waste pollution prevention facility, in violation of the criteria under Article 25 (2);

3. A person who installs, or maintains and operates an oil pollution prevention facility, in violation of Article 26 (3);

4. A person who installs, or maintains and operates a noxious liquid substance pollution prevention facility, in violation of Article 27 (4);

5. A person who loads a ship's ballast water or oil, in violation of Article 28; <<Enforcement Date: Refer to the Addenda to Act No. 8788, Dec. 21, 2007>>

6. A person who transports harmful substances in packaged form, in violation of Article 29;

7. A person who collects and disposes of pollutants from a ship or marine facility, in violation of Article 37;

8. A person who operates a ship for voyage without undergoing a marine pollution prevention ship inspection under Articles 49 through 53;

8-2. A person who uses, for voyage, a ship which has failed to undergo an energy efficiency inspection, in violation of Article 54-2;

9. A person who fails to comply with any order or disposition issued under Article 58 or 59;

9-2. A person who fails to obtain type approval, authorization, or recognition under Article 110 (4), (6), or (7), or uses materials or chemicals not authorized pursuant to Article 110-2 (3) for pollution response measures, in violation of Article 64 (6);

10. A person who fails to stock and keep materials and chemicals in storage facilities, ships, or marine facilities, in violation of Article 66 (1);

11. A person who violates an order for disposal under Article 73;

12. A person who uses marine environment measuring apparatus without undergoing an accuracy inspection or supplies or uses correctional articles, in violation of Article 110 (2);

13. A person who manufactures, produces, or imports without obtaining or undergoing type approval, a performance test, authorization, or recognition under Article 110 (1) and (3) through (7);

14. A person who dismantles a ship without filing a report under Article 111 (1);

15. A person who refuses, interferes with, or evades the entrance for inspection, request for reporting, etc. without any justifiable ground, in violation of Article 115 (6);

16. A person who divulges or wrongfully uses confidential information he/she has become aware of in the course of performing his/her duties, in violation of Article 118 (2) and (3).

#### **Article 130 (Joint Penalty Provisions)**

Where a representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits an offense under Articles 126 through 129 in connection with the business of the corporation or the individual, not only shall such offender be punished, but also the corporation or the individual shall be punished by a fine under the relevant provisions: Provided, That the same shall not apply where such corporation or individual has not been negligent in paying due attention or supervision to the relevant business in order to prevent such offense.

#### **Article 131 (Special Cases of Application of Penalty Provisions to Foreigners)**

(1) In the application of Articles 127 and 128 to foreigners, they shall be punished by a fine provided for in the corresponding Article, unless they have intentionally committed an offense in the territorial sea of Korea.

(2) Article 2 of the Act on the Exercise of Sovereign Rights on Foreigners' Fishing, etc. within the Exclusive Economic Zone shall apply to the scope of foreigners referred to in paragraph (1), and Articles 23 through 25 of the same Act shall apply mutatis mutandis to judicial procedures for foreigners.

#### **Article 132 (Administrative Fines)**

(1) Any of the following persons shall be punished by an administrative fine of up to ten million won:

1. A person who falsely states the results of a marine pollution impact survey under Article 77 (1);
2. Deleted. <by Act No. 10803, Jun. 15, 2011>

(2) Any of the following persons shall be punished by an administrative fine of up to five million won:

<Amended by Act No. 10803, Jun. 15, 2011; Act No. 12549, Mar. 24, 2014>

1. A person who discharges pollutants prescribed by Presidential Decree from ocean space, in violation of Article 22 (2);
2. A person who fails to report on marine facilities, in violation of Article 33 (1);
- 2-2. A person who fails to conduct a safety inspection under Article 36-2 (1);
- 2-3. A person who fails to file a report under Article 36-2 (2) or files a false report;
3. A person who installs facilities containing ozone layer-depleting substances on a ship, in violation of Article 42 (2);
4. A person who fails to provide a copy of the fuel oil supply certificate and a fuel oil sample, or falsely provides a copy of the fuel oil supply certificate and a fuel oil sample, in violation of Article 45 (2);
5. A person who fails to cooperate in pollution response measures, in violation of Article 64 (2);
6. A person who fails to register a change under Article 70 (3);
7. A person who keeps and manages wastes, in violation of Article 72 (3), or fails to prepare a waste transfer/take-over form or falsely prepares one;
8. A person who fails to report on succession to the rights and duties of a marine environmental management business entity, in violation of Article 74 (3) or falsely files such report;

9. A person who entrusts the disposal of wastes without reporting, in violation of Article 76 (1);
10. A person who fails to comply with any of the obligations to be observed under subparagraphs 4 and 5 of Article 88;
11. A person who fails to conduct a marine environmental impact survey under Article 95 (1), or fails to give notice of the result thereof or gives a false notice thereof;
12. A person who fails to take necessary measures under Article 95 (2).

(3) Any of the following persons shall be punished by an administrative fine of up to two million won:  
<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. A person who maintains and operates air pollution prevention facilities not in compliance with the criteria, in violation of Article 41 (2);
2. A person who transfers an installation containing ozone layer-depleting substances to persons, other than companies or organizations designated and publicly announced by the Minister of Oceans and Fisheries, in violation of Article 42 (3);
3. A person who burns substances on a ship, the shipboard incineration of which is prohibited, in violation of Article 46 (1);
4. A person who installs, or maintains and operates an incineration facility, in violation of Article 46 (2) or (4);
5. A person who burns substances, using a main or auxiliary engine or boiler in sea areas on which incineration is prohibited, in violation of Article 46 (3).

(4) Any of the following persons shall be punished by an administrative fine of up to one million won:  
<Amended by Act No. 9872, Dec. 29, 2009; Act No. 10803, Jun. 15, 2011>

1. A person who fails to install a container for storing waste oil under Article 26 (1);
2. A person who fails to provide a guidebook, which bears an approval seal under Article 27 (3) and describes the method of and facilities for the discharge of noxious liquid substances;
3. A person who fails to provide a pollutants register under Articles 30 and 34, fails to make records therein or to keep the pollutants register, or enters false records therein;
4. A person who fails to keep a contingency plan for marine pollution by ships and a contingency plan for pollution by marine facilities, which bears an approval seal under Article 31 or 35;
5. A person who fails to appoint a marine pollution prevention manager under Article 32 (1) or 36 (1);
6. A person who fails to keep a document evidencing the appointment of a marine pollution prevention manager under Article 32 (2) or 36 (2);
- 6-2. A person who fails to keep or observe a ship-to-ship oil transfer plan, which bears an approval seal referred to in Article 32-2 (1);
- 6-3. A person who fails to make records on ship-to-ship oil transfer operation referred to in Article 32-2 (2), or makes false records, or fails to keep records thereon;
- 6-4. A person who fails to report an operation plan under Article 32-2 (3) or falsely reports it;

- 6-5. A person who fails to prepare, or falsely prepares, or fails to manage a list of installations containing ozone layer-depleting substances referred to in Article 42 (4);
- 6-6. A person who fails to prepare, or falsely prepares, or fails to keep an ozone layer-depleting substance register referred to in Article 42 (5);
7. A person who fails to make entries into an engineer's logbook, in violation of Article 44 (3);
8. A person who fails to keep an engineer's logbook for one year, in violation of Article 44 (4);
- 8-2. A person who fails to keep a procedure manual for fuel oil conversion referred to in Article 44 (5);
9. A person who fails to keep fuel oil supply certificates or copies thereof for three years, in violation of Article 45 (3);
10. A person who fails to keep a fuel oil sample, in violation of Article 45 (4);
11. A person who fails to keep records on the operation of an oil vapor discharge control unit for three years, in violation of Article 47 (4);
- 11-2. A person who fails to keep or observe a volatile organic compound management plan, which bears an approval seal referred to in Article 47-2 (1);
12. A person who fails to keep certificates of marine pollution prevention inspection, etc. in ships, in violation of Article 57 (4);
13. A person who fails to prepare and submit a statement of disposal results or fails to prepare and keep a ledger of disposal, in violation of Article 72 (1);
14. A person who fails to prepare a certificate of pollutants collection confirmation, in violation of Article 72 (2), or falsely prepares the pollutants collection confirmation certificate;
15. A person who fails to prepare and submit a waste transfer/takeover form, in violation of Article 72 (3);
16. A person who fails to report on a change under the latter part of Article 76 (1);
17. A person who entrusts the disposal of waste, in violation of Article 76 (2);
18. A person who fails to comply with an order for correction under Article 111 (2);
19. A person who fails to provide employees with education and training under Article 121 without any justifiable ground.

### **Article 133 (Imposition, Collection, etc. of Administrative Fines)**

Administrative fines referred to in Article 132 shall be imposed and collected by the Minister of Oceans and Fisheries or the Minister of Public Safety and Security, as prescribed by Presidential Decree.

*<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

## ADDENDA

### **Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That Article 19 (1) 2 shall enter into force two years after the date of its promulgation, Article 110 (1) three years after the date of its promulgation, Articles 40 and 53 on the date on which the International Convention on the

Control of Harmful Anti-Fouling Systems on Ships takes effect in Korea after this Act enters into force.

#### **Article 2 (Repealed Acts)**

The Prevention of Marine Pollution Act is hereby repealed.

#### **Article 3 (Preparation for Establishment of Corporation)**

(1) The Minister of Marine Affairs and Fisheries shall establish the Corporation Establishment Promotion Committee (hereinafter referred to as "Establishment Committee") to handle affairs concerning the dissolution of the Korea Marine Pollution Response Corp. under Article 52-2 of the former Prevention of Marine Pollution Act (hereinafter referred to as the "Pollution Response Corp.") and establishment of the Corporation.

(2) The Establishment Committee shall be comprised of up to 15 members, including the chairperson appointed or commissioned by the Minister of Marine Affairs and Fisheries, on condition that it allow the participation of experts from the Government, Pollution Response Corp., academic circles, etc., and the Vice Minister of Marine Affairs and Fisheries shall become the chairperson.

(3) The Establishment Committee shall prepare the articles of association of the Corporation and have the members of the Establishment Committee note their names and affix their seals, or apply their signatures thereto to obtain authorization from the Minister of Marine Affairs and Fisheries for registration for establishment.

#### **Article 4 (Transfer of Affairs and Property)**

(1) The Establishment Committee shall transfer its affairs and property to the president immediately after completing the registration for establishment of the Corporation.

(2) The Establishment Committee and its members shall be deemed dissolved, dismissed, or dismissed from commissioning as at the time the transfer of the affairs and property under paragraph (1) is finalized.

#### **Article 5 (Establishment Costs)**

The cost incurred in the dissolution of the Pollution Response Corp. and the establishment of the Corporation shall be borne by the Corporation.

#### **Article 6 (Transitional Measures concerning Establishment of Corporation)**

(1) The Pollution Response Corp. established under the former Prevention of Marine Pollution Act as at the time this Act enters into force may apply for the approval of the Minister of Maritime Affairs and Fisheries to enable the Corporation scheduled to be established under this Act to succeed all the rights and duties, and property in accordance with the resolution of the Operation Committee.

(2) When the Pollution Response Corp. obtains the approval of the Minister of Maritime Affairs and Fisheries pursuant to the application under paragraph (1), it shall be deemed dissolved in concurrence with the establishment of the Corporation, notwithstanding the provisions of the Civil Act, which pertain to the dissolution and liquidation of corporations, and the acts done in the name of the Pollution Response Corp. and in relation to other Acts shall be deemed done in the name of the Corporation in concurrence with the establishment of the Corporation.

(3) A citation of the Pollution Response Corp. by other statutes quote as at the time when this Act enters into force shall be deemed a citation of the Corporation in lieu of the Pollution Response Corp. in concurrence with the establishment of the Corporation.

(4) The property, and rights and duties of the Pollution Response Corp. as at the time this Act enters into force shall be succeeded to by the Corporation by a universal title in concurrence with the establishment of the Corporation. In such cases, the value of the property succeeded by the Corporation shall be the book value as at the time of succession.

(5) The name of the Corporation which is indicated in the registers concerning the property, and rights and duties succeeded to by a universal title under paragraph (4) and other public books shall be deemed the name of the Corporation in concurrence with the establishment of the Corporation.

#### **Article 7 (Measures for Executives and Employees)**

(1) The term of office of the president, directors, and auditor of the Pollution Response Corp. as at the time this Act enters into force shall be deemed terminated in concurrence with the enforcement of this Act: Provided, That duties corresponding to the former position may be issued to the directors in consideration of their remaining term of office and ability to perform duties, as prescribed by the articles of association of the Corporation.

(2) Notwithstanding Article 99 (3) and (4), the first president, auditor, and directors of the Corporation shall be appointed by the Minister of Maritime Affairs and Fisheries under the proposal of the Establishment Committee.

(3) The employees of the Pollution Response Corp. as at the time this Act enters into force shall be deemed the employees of the Corporation.

#### **Article 8 (Applicability to Prohibition of Use of Harmful Anti-Fouling Paints, etc.)**

(1) Article 40 shall begin to apply to the harmful anti-fouling paint or harmful anti-fouling system used for marine facilities after this Act enters into force.

(2) Articles 40 and 53 (1) shall begin to apply to the ship constructed after this Act enters into force: Provided, That with respect to the ships already constructed as at the time this Act enters into force, they shall apply from the date on which such ships undergo inspections, entering a dock for the first time after this Act enters into force.

#### **Article 9 (Applicability to Consultation on Utilization of Sea Areas for Designation of Marine Aggregate Extraction-Scheduled Areas, etc.)**

@Article 84 (1) 4 through 6 shall begin to apply to the first application filed with a license-granting agency for the designation of marine aggregate extraction-scheduled areas, approval for the extraction of marine aggregate, and designation of marine aggregate extraction complexes after this Act enters into force.

#### **Article 10 (Applicability to Sea Area Utilization Impact Assessment)**

@Article 85 shall begin to apply to the first application filed with a license-granting agency for obtaining a license, etc. for acts falling under any subparagraph of paragraph (1) of the same Article.

#### **Article 11 (General Transitional Measures)**

Disposition imposed and other acts done by administrative agencies under the former Prevention of Marine Pollution Act or various kinds of applications filed with and other acts done for administrative agencies as at the time this Act enters into force shall be deemed acts done by or in relation to the corresponding administrative agencies under this Act.

#### **Article 12 (Transitional Measures concerning Comprehensive Plans for Marine Environment Preservation, etc.)**

(1) The comprehensive plan for marine environment preservation in force formulated under Article 4 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed the comprehensive plan for marine environment management formulated under Article 14 of this Act.

(2) The basic plan for the management of environment management sea areas in force formulated under Article 4-5 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed the basic plan for environment management formulated under Article 16 of this Act.

(3) The national emergency pollution response plan for oil spill preparedness and response in force formulated in accordance with the International Convention on Oil Pollution Preparedness, Response and Cooperation as at the time this Act enters into force shall be deemed the national emergency pollution response plan formulated under Article 61 of this Act.

#### **Article 13 (Transitional Measures concerning Environmental Preservation Sea Areas, etc.)**

(1) The environment preservation sea areas designated under Article 4-4 (1) of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed designated as environmental preservation sea areas pursuant to Article 15 (1) 1 of this Act.

(2) The special management sea areas designated under Article 4-4 (2) of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed designated as special management sea areas pursuant to Article 15 (1) 2 of this Act.

(3) Restrictions on acts in environment preservation sea areas, etc. under Article 4-4 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed restrictions on acts, or measures, etc. for environment preservation sea areas or special management sea areas under Article 15 (2) and (3) of this Act.

#### **Article 14 (Transitional Measures concerning Consultation on Utilization of Sea Areas)**

The consultation on the utilization of sea areas under Article 4-8 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed a consultation on the utilization of sea areas under Article 84 of this Act.

#### **Article 15 (Transitional Measures concerning Marine Pollution Prevention and Removal Countermeasures Committee, etc.)**

The Marine Pollution Prevention and Removal Countermeasures Committee, Marine Pollution Impact Survey Assessment Committee, and Marine Environment Preservation Advisory Committee established under the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be

deemed the Marine Environment Management Committee under this Act until the Marine Environment Management Committee is organized pursuant to Article 17 of this Act. In such cases, the matters under the jurisdiction of the Marine Pollution Prevention and Removal Countermeasures Committee, Marine Pollution Impact Survey Assessment Committee, and Marine Environment Preservation Advisory Committee shall comply with the classifications under Articles 51, 52-12, and 63 of the former Prevention of Marine Pollution Act.

**Article 16 (Transitional Measures concerning Ships Installed with Oil Pollution Prevention Facilities, etc.)**

(1) Any ship installed with an oil pollution prevention facility, hull, noxious liquid substance prevention facility, cargo hold, waste pollution prevention facility, and air pollution prevention facility pursuant to Articles 6 (1), 12 (1) and (2), 17 (1), and 23-3 (1) of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed a ship installed with a wastes pollution prevention facility, oil pollution prevention facility, hull, noxious liquid substance prevention facility, cargo hold, and air pollution prevention facility pursuant to Articles 25 (1), 26 (1) and (2), 27 (1) and (2), and 41 (1) of this Act.

(2) Any marine pollution prevention certificate and temporary marine pollution prevention certificate delivered by the Minister of Maritime Affairs and Fisheries pursuant to Article 25 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed a marine pollution prevention inspection certificate and temporary marine pollution prevention inspection certificate delivered pursuant to Articles 49 (2) and 52 (2) of this Act.

**Article 17 (Transitional Measures concerning Installation of Facilities Containing Ozone Layer-Depleting Substances)**

(1) Notwithstanding Article 42 (2), facilities containing an ozone layer-depleting substance in which hydrochlorofluorocarbons (HCFCs) are contained may be installed on a ship by January 1, 2020.

(2) Notwithstanding Article 42 (2), any ship equipped with a facility containing ozone layer-depleting substances before June 29, 2006 may continue to use such facility.

**Article 18 (Transitional Measures concerning Control of Emission of Nitrous Oxides)**

Notwithstanding Article 43 (1), the following diesel engines may be operated in excess of the permissible emission levels under the main sentence of paragraph (1) of the same Article with the exception of its subparagraphs (hereafter referred to as "permissible emission level" in this Article):

1. The diesel engine referred to in Article 43 (1) 1, which is installed on a ship constructed before June 29, 2006 (excluding diesel engines manufactured after June 29, 2006, diesel engines remodeled to operate in excess of permissible emission levels, and diesel engines remodeled to increase the maximum continuous output power by at least 10/100);

2. The diesel engine referred to in Article 43 (1) 2, which is installed on a ship constructed before January 1, 2000 (excluding diesel engines manufactured after January 1, 2000, diesel engines remodeled to operate in excess of permissible emission levels, and diesel engines remodeled to increase



the maximum continuous output power by at least 10/100).

**Article 19 (Transitional Measures concerning Installation of Oil Vapor Emission Control Units)**

Notwithstanding Article 47 (2) and (3), the owner of a marine facility who has begun to install a facility to load oil and noxious liquid substances on a ship or has completed such installation before June 29, 2006 need not install an oil vapor emission control unit in the relevant marine facility by May 19, 2009.

**Article 20 (Transitional Measures concerning Contributions, etc.)**

(1) Contributions paid pursuant to Article 52-4 (1) of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed the pollution response contributions paid under Article 69 (1) of this Act.

(2) Where the placement of pollution response vessels, etc. is deemed entrusted, or a pollution response agent is deemed designated under Article 52-4 (3) of the former Prevention of Marine Pollution Act as at the time this Act enters into force, the former provisions shall govern until the period of the relevant entrustment or period of designation terminates.

**Article 21 (Transitional Measures concerning Registration of Ocean Waste Discharge Business, etc.)**

(1) Any person who filed for registration of ocean waste discharge business pursuant to Article 18 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed to have filed for registration of ocean waste discharge business pursuant to Article 70 (1) 1 of this Act.

(2) Any person who filed for registration of pollution response business pursuant to Article 37 (1) 1 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed to have filed for registration of marine pollution response business pursuant to Article 70 (1) 2 of this Act.

(3) Any person who filed for registration of oil hold cleaning business pursuant to Article 37 (1) 2 of the former Prevention of Marine Pollution Act as at the time this Act enters into force shall be deemed to have filed for registration of oil hold cleaning business pursuant to Article 70 (1) 3 of this Act.

**Article 22 (Transitional Measures concerning Penalty Provisions, etc.)**

The application of penalty provisions and administrative fines to violations committed before this Act enters into force shall be governed by the former Prevention of Marine Pollution Act.

**Article 23 Omitted.**

**Article 24 (Relations with other Statutes)**

A citation of the former Prevention of Marine Pollution Act and any provisions thereof in other statutes as at the time when this Act enters into force shall be deemed a citation of this Act or the corresponding provisions of this Act in lieu of the former provisions if such corresponding provisions exist herein.

ADDENDA <Act No. 8371, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 10 Omitted.**

ADDENDA <Act No. 8377, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 16 Omitted.**

ADDENDA <Act No. 8379, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 11 Omitted.**

ADDENDA <Act No. 8380, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 5 (4) of Addenda shall enter into force on January 20, 2008.

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 8404, Apr. 27, 2007>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 14 Omitted.**

ADDENDA <Act No. 8852, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9037, Mar. 28, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2009.

**Articles 2 through 19 Omitted.**

ADDENDA <Act No. 9454, Feb. 6, 2009>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 9626, Apr. 22, 2009>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 9773, Jun. 9, 2009>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 10 Omitted.**

ADDENDUM <Act No. 9872, Dec. 29, 2009>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 119-2 shall enter into force six months after the promulgation of this Act.

ADDENDA <Act No. 10219, Mar. 31, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2011.

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 10272, Apr. 15, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation..

**Articles 2 through 14 Omitted.**

ADDENDA <Act No. 10803, Jun. 15, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That Article 32-2 (1) and (4) (limited to the parts pertaining to paragraph (1)) shall enter into force on the date the relevant ship undergoes the first interim inspection or the first regular inspection conducted after this Act enters into force; Article 32-2 (2), (3), and (4) (excluding the parts pertaining to paragraph (1)) shall enter into force on April 1, 2012; and the amended provisions of Articles 110-2, 112, and 122, of subparagraph 17-2 of Article 128, and of Article 129 (2) 9-2 and 13 shall enter into force six months after the promulgation of this Act.

**Article 2 (Applicability to Sea Area Utilization Impact Assessment)**

The amended provisions of Article 85 (1) shall apply, beginning with the first request filed with a disposing government organ for the occupation or permission for use of the public waters to dredge them.

**Article 3 (Transitional Measures concerning Comprehensive Plans for Marine Environmental Management)**

The former comprehensive plans for marine environmental management as at the time this Act enters into force shall be deemed comprehensive plans for marine environmental management referred to in the amended provisions of Article 14, and the former master plans for environmental management shall be deemed management plans by sea area referred to in the amended provisions of Article 16.

**Article 4 (Transitional Measures concerning Penalty Provisions and Administrative Fines)**

The application of penalty provisions and administrative fines to acts committed before this Act enters into force shall be governed by the former provisions.

ADDENDA <Act No. 10892, Jul. 21, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted)

**Articles 2 through 10 Omitted.**

ADDENDA <Act No. 10893, Jul. 21, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 10911, Jul. 25, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation.

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 11479, Jun. 1, 2012>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Marine Environment Measuring Apparatus, etc. Exempt from Type Approval)**

The amended provisions of Article 110 shall begin to apply to the first marine environment measuring apparatus, facilities subject to type approval or materials or chemicals used for the response against or prevention of pollutions, which are manufactured, produced or imported after this Act enters into force.

### **Article 3 (Transitional Measures concerning Maintenance, etc. of Contingency Plans for Marine Pollution by Ships for Towed Ships)**

Notwithstanding the amended provisions of Article 31 (1), the owners of towed ships in existence under the former provisions as at the time this Act enters into force shall prepare a contingency plan for marine pollution by ships and keep it in the towed ships after obtaining an approval seal from the Commissioner General of the Korea Coast Guard, within one year from the date on which this Act enters into force.

ADDENDA <Act No. 11597, Dec. 18, 2012>

#### **Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2013: Provided, That the amended provisions of Articles 70 (1) 3, 115 (3), and 123 (3) shall enter into force on the date of its promulgation, and the amended provisions of Article 83-2 shall enter into force six months after the date of its promulgation.

#### **Article 2 (Applicability to Calculation of Ship Energy Efficiency Design Indices)**

The amended provisions of Articles 41-2 and 41-3 shall apply to ships, the building contracts of which are concluded on and after January 1, 2013 (where no building contracts exist, referring to ships, the keels of which are installed, or ships which commenced building stage equivalent thereto, on or after July 1, 2013), ships to be delivered to the ship owner on or after July 1, 2015, or ships intended to be remodeled on or after January 1, 2013.

#### **Article 3 (Applicability to Keeping Ship Energy Efficiency Management Plan)**

The owner of a ship referred to in the amended provisions of Article 41-3 (1), excluding ships to be built or remodeled under the amended provisions of Article 41-2 (1), shall keep an energy efficiency management plan in his/her ship until he/she undergoes the first regular inspection or interim inspection of air pollution prevention facilities after this Act enters into force.

#### **Article 4 (Transitional Measures concerning Energy Efficiency Inspection)**

(1) The owner of a ship referred to in the amended provisions of Article 41-2 (1) shall undergo an energy efficiency inspection under the amended provisions of Article 54-2 before he/she uses the ship built or remodeled, for voyage.

(2) The owner of a ship referred to in the amended provisions of Article 41-3 (1), excluding the ships referred to in paragraph (1), shall undergo an energy efficiency inspection under the amended provisions of Article 54-2 at the time he/she undergoes the first regular inspection or interim inspection of air pollution prevention facilities after this Act enters into force.

ADDENDA <Act No. 11690, Mar. 23, 2013>

#### **Article 1 (Enforcement Date)**

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 12300, Jan. 21, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 5 Omitted.**

ADDENDUM <Act No. 12549, Mar. 24, 2014>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 12662, May 21, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation.

**Article 2 (Transitional Measures concerning Incompetent Persons, etc.)**

An incompetent under adult guardianship or a quasi-incompetent under limited guardianship referred to in the amended provisions of subparagraph 1 of Article 71 (including cases applicable mutatis mutandis under Article 74 (4)), subparagraph 1 of Article 81, subparagraph 1 of Article 87, and Article 101 (1) 2 shall be deemed to include a person against whom declaration of incompetency or quasi-competency remains effective under Article 2 of the Addenda to the partially amended Civil Act (Act No. 10429).

ADDENDA <Act No. 12844, Nov. 19, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the Acts amended by Article 9 of the addenda, which were promulgated before this Act enters into force but the enforcement dates of which have not yet arrived, shall enter into force on the enforcement date of each relevant Act.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 13084, Jan. 28, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Article 2 Omitted.**

ADDENDA <Act No. 13383, Jun. 22, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 4 Omitted.

