

ENFORCEMENT DECREE OF THE RADIATION AND RADIOISOTOPE USE PROMOTION ACT

Presidential Decree No. 18012, jun. 25, 2003
Amended by Presidential Decree No. 20740, Feb. 29, 2008
Presidential Decree No. 23249, Oct. 25, 2011
Presidential Decree No. 24423, Mar. 23, 2013

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Radiation and Radioisotope Use Promotion Act and matters necessary for the enforcement thereof.

Article 2 (Establishment of Plans for Promotion of Use of Radiation, etc.)

When a plan to promote the use of radiation, etc. under Article 3 of the Radiation and Radioisotope Use Promotion Act (hereinafter referred to as the "Act") is established, the Minister of Science, ICT and Future Planning shall refer it to the Specialized Committee on Use and Development of Nuclear Energy under Article 3 of the Enforcement Decree of the Nuclear Energy Act (hereinafter referred to as the "Specialized Committee on Use and Development of Nuclear Energy") for deliberation. *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 23249, Oct. 25, 2011; Presidential Decree No. 24423, Mar. 23, 2013>*

Article 3 (Establishment and Implementation of Annual Implementation Plans)

(1) In order to establish annual implementation plans under Article 4 of the Act, the Minister of Science, ICT and Future Planning shall determine guidelines for establishment of annual implementation plans (hereinafter referred to as "guidelines for establishment of implementation plans") for the following year and notify them to the heads of the relevant central administrative agencies by no later than October 31 each year. *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>*

(2) In accordance with guidelines for establishment of implementation plans notified under paragraph (1), the heads of the relevant central administrative agencies shall submit promotion plans for the relevant year and the performance record of the previous year relating to the affairs under their jurisdiction to the Minister of Science, ICT and Future Planning by no later than January 31 each year. *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>*

(3) The Minister of Science, ICT and Future Planning shall establish an annual implementation plan after taking into account all the promotion plans for the relevant year and performance records of the previous

year submitted by the heads of the relevant central administrative agencies under paragraph (2), and shall notify it to the heads of the relevant central administrative agencies by no later than the end of February each year. <Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>

(4) When an annual implementation plan is established under paragraph (3), the Minister of Science, ICT and Future Planning shall refer it to the Specialized Committee on Use and Development of Nuclear Energy for deliberation. <Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>

Article 4 (Designation of Primary Research Institute and Information Management Institute)

(1) An institute eligible for designation as a primary research institute under Article 11 (1) of the Act (hereinafter referred to as "primary research institute") or an institute of information management under Article 11 (2) of the Act (hereinafter referred to as "institute of information management") shall be as follows: <Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>

1. An association established after obtaining authorization from the Minister of Science, ICT and Future Planning under Article 14 (1) of the Act;
2. A university, college, industrial college, junior college or technical college under Article 2 of the Higher Education Act;
3. A medical corporation under Article 41 of the Medical Service Act;
4. A research institute under any subparagraph of Article 3 of the Enforcement Decree of the Support of Specific Research Institutes Act;
5. A national or public research institute.

(2) In designating a primary research institute, the Minister of Science, ICT and Future Planning shall examine whether following requirements are met: <Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>

1. It shall have records of research referred to in Article 11 (1) of the Act and secured human resources and facilities necessary for the performance of research;
2. It shall have experiences in preparation of plans for research and development projects, evaluation of outcomes of research, and management of research projects;
3. It shall have human resources and facilities appropriate for the maintenance and development of close mutual cooperative system among circles of academy, research and industries.

(3) In designating an institute of information management, the Minister of Science, ICT and Future Planning shall evaluate whether the following requirements are met. <Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>

1. It shall have experiences in collection, analysis and processing of relevant information, such as technology trend of radiation etc. in Korea and abroad, and in construction of database, etc.;

2. It shall be capable of building and operating a computer network for the prompt and precise dissemination and distribution of processed information.

(4) Upon designating a primary research institute or an institute of information management, the Minister of Science, ICT and Future Planning shall publish such fact in the official gazette. *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>*

(5) The head of a primary research institute or the head of an institute of information management shall submit a performance record of the previous year and a plan for the relevant year on the affairs of the research and information management related to the radiation, etc. to the Minister of Science, ICT and Future Planning by no later than January 3 each year. *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>*

(6) Detailed matters necessary for the designation of primary research institutes and institutes of information management under paragraph (1) and the performance of their duties shall be separately prescribed by the Minister of Science, ICT and Future Planning. *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>*

Article 5 (Application for Establishment of Association and Cooperative)

(1) A person who intends to obtain authorization for the establishment of an association under Article 14 of the Act shall submit an application along with the following documents to the Minister of Science, ICT and Future Planning: *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>*

1. A set of documents stating the name, address and profile of a person who intends to obtain authorization for the establishment (in cases of a corporation, the name, articles of incorporation, location of the main office of the corporation, and the name, address and recent business activities of the representative);

2. A set of prospectus;

3. A set of articles of association;

4. A set of certificates on real estates, savings, securities and other major property, issued by registration offices, banks, etc.;

5. A set of business plans and budgetary documents of incomes and expenses as of the due date of business commencement and for the relevant business year in which the business commences;

6. Each one set of the minutes of inaugural general meeting and the list of names and addresses of persons who intend to be members;

7. One set of statement of planned collection of membership fees or applications for donations.

(2) A person who intends to obtain authorization for the establishment of a mutual aid cooperative (hereinafter referred to as "Cooperative") under Article 15 of the Act shall submit documents referred to in paragraph (1) 1 through 5 along with the following documents as at the time he/she files an application for the authorization for establishment with the Minister of Science, ICT and Future Planning: *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>*

1. Mutual aid regulations under Article 16 of the Act;
 2. Each one set of minutes of inaugural general meeting and list of the names and addresses of persons who intend to be Cooperative members (where it is impractical to prepare a list, a document stating the total number of Cooperative members);
 3. One set of statement of planned contributions or applications for donations.
- (3) Where the details of the application for authorization for the establishment under paragraph (1) or (2) meet the following requirements, the Minister of Science, ICT and Future Planning shall authorize an association or a Cooperative: *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>*
1. The object business shall be deemed specific and feasible;
 2. The object business shall be deemed attainable on the basis of incomes from such sources as membership fees, contributions, etc. ;
 3. The object business shall be deemed to maintain and promote public interests.
- (4) Detailed matters necessary for the affairs related to the establishment of the association or the Cooperative under paragraph (1) or (2) shall be separately prescribed by the Minister of Science, ICT and Future Planning. *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>*

Article 6 (Contribution, etc. of Cooperative)

- (1) Contributions of the Cooperative shall be the aggregate of nominal values of total number of contribution accounts of Cooperative members.
- (2) The Cooperative shall issue contribution certificates as prescribed by its articles of association and deliver them to contributors.
- (3) The amount of one contribution account shall be the same.
- (4) Cooperative members shall pay the whole amount of contributions in cash, and the contributions shall not be offset by the claims against the cooperative;
- (5) Responsibility of a Cooperative member shall be limited to the amount of his/her share of contributions;
- (6) The amount of one contribution account and other necessary matters concerning contribution shall be prescribed by the articles of association.

Article 7 (Transfer, Acquisition, etc. of Shares of Cooperative Members)

- (1) A Cooperative member may transfer his/her share to another Cooperative member or a person who intends to be a Cooperative member. In such cases, a transferee of the shares shall succeed to the rights and obligations of a transferor.
- (2) When it is necessary for the Cooperative to exercise its security right against a Cooperative member, it may acquire and dispose of such member's share.
- (3) A Cooperative member's share may not become the object of its pledge right except for cases where it is provided as collateral for a debt.

Article 8 (Limit of Guarantee, etc.)

(1) The limit of the amount of guarantee that the Cooperative is eligible to provide shall be 40 times the aggregate amount of total contributions and reserves: Provided, That where any guarantee is provided based on a guarantee of any institution specified in Article 38 of the Act on the Establishment, etc. of Financial Supervisory Organizations or an insurance, the relevant amount shall not be included in the limit of the amount of guarantee.

(2) The limit of amount that the Cooperative is eligible to provide guarantee or loan to one person shall be prescribed by its articles of association.

Article 9 (Guarantee Fees, etc. of Cooperative)

Guarantee fees, mutual aid premiums, interest on loans, bill discounting rate, and fees for use of facilities for common use under Article 15 (5) of the Act shall be prescribed by articles of association, taking the following matters into consideration:

1. Guarantee Fees: Total amount of contributions and share, type and limit of the guarantee, and credit rating;
2. Interest on loans: Type and amount of loan fund, and period and conditions of loan;
3. Bill discounting rate: Object and type of the claim of bill, and payment period;
4. Fees for use of facilities for common use: Expenses incurred in relation to installation and operation of facilities, and depreciation costs thereof;
5. Mutual aid premiums: Object and type of mutual aid, period of mutual aid, and loss ratio.

Article 10 (Entrustment of Cooperative Affairs)

The Cooperative may entrust part of its affairs to an association established under Article 14 (1) of the Act (hereinafter referred to as "Association") or an institution specified in any subparagraph of Article 38 of the Act on the Establishment, etc. of Financial Supervisory Organizations by a resolution of the board of directors.

Article 11 (General Meetings, etc. of Cooperative)

(1) The Cooperative shall have general meetings and the board of directors as prescribed by its articles of association.

(2) A Cooperative member shall have one voting right per each contribution account: Provided, That the Cooperative that obtains shares under Article 7 (2) shall be prohibited from exercising the voting right and suffrage of the shares acquired.

Article 12 (Application for Authorization for Amendment of Articles of Association or Mutual Aid Regulations)

The mutual aid cooperative or the Association that intends to obtain authorization for the amendment of its mutual aid regulations or articles of association under Article 16 or 18 of the Act shall submit to the Minister of Science, ICT and Future Planning the following documents as at the time the application for authorization for amendment is made: *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>*

1. One set of mutual aid regulations or articles of association;
2. A statement of reasons for amendment of mutual aid regulations or articles of association;
3. One set of minutes of general meetings relating to the amendment of mutual aid regulations or articles of association.

Article 13 (Entrustment of Affairs)

The Minister of Science, ICT and Future Planning may, under Article 13 of the Act, entrust the Association with the affairs related to the fact-finding surveys on industries using radiation, etc. *<Amended by Presidential Decree No. 20740, Feb. 29, 2008; Presidential Decree No. 24423, Mar. 23, 2013>*

Article 14 (Operational Regulations of Association or Cooperatives)

Matters not prescribed in this Decree concerning the operation of the Association or the Cooperative or matters necessary for the implementation of matters prescribed in this Decree shall be prescribed by articles of association.

ADDENDUM *<Presidential Decree No. 18012, Jun. 25, 2003>*

This Decree shall enter into force on June 27, 2003

ADDENDA *<Presidential Decree No. 20740, Feb. 29, 2008>*

Article 1 (Enforcement Decree)

This Decree shall enter into force on the date of its promulgation.

Articles 2 through 7 Omitted.

ADDENDA *<Presidential Decree No. 23249, Oct. 25, 2011>*

Article 1 (Enforcement Decree)

This Decree shall enter into force on October 26, 2011

Articles 2 through 5 Omitted.

ADDENDA *<Presidential Decree No. 24423, Mar. 23, 2013>*

Article 1 (Enforcement Decree)

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

Articles 2 through 7 Omitted.