

Coast Guard Act

Act No. 16515, Aug. 20, 2019

Article 1 (Purpose)

The purpose of this Act is to prescribe matters necessary for the duties, and democratic and efficient operation, of the coast guard for the protection of the sovereign power over the sea and for the establishment of maritime safety and public security.

Article 2 (Responsibilities of Coast Guard)

(1) The coast guard shall promote policies to protect the lives, bodies and property of the people in the sea and to efficiently respond to marine accidents.

(2) The coast guard shall prepare necessary measures and systems to protect the national interest and territorial waters of the Republic of Korea and to maintain maritime public security.

(3) The coast guard shall respect the opinions of the people on the policies of the coast guard, and endeavor to operate the organization in a democratic and transparent manner.

Article 3 (Prohibition of Abuse of Authority)

The coast guard shall take a fair and neutral stance in conducting its duties as a civil servant working for the people, and respect the freedom and rights of the people as provided for by the Constitution and statutes, and shall not abuse the invested authority.

Article 4 (Coast Guard Day)

To promote the importance of the protection of the sovereign power over the sea and raise awareness of the people on maritime safety, September 10 of each year shall be designated as Coast Guard Day, and commemorative events shall be held on such day.

Article 5 (Establishment of the Coast Guard Committee)

(1) The Coast Guard Committee (hereinafter referred to as the "Committee") shall be established in the Ministry of Maritime Affairs and Fisheries to deliberate and resolve on the following matters concerning coast guard administration:

1. Enactment, amendment and abolition of statutes and regulations, or administrative rules under the authority of the Korea Coast Guard, formulation of framework plans, management plans, etc. pursuant to the statutes and regulations under the authority of the Korea Coast Guard, and matters related thereto;
2. Significant matters concerning policies for the protection of human rights, prevention of corruption, and improvement of integrity;

3. Matters concerning personnel management standards, such as employment and promotion, education and improvement of welfare of public officials employed by the Korea Coast Guard;
4. Matters concerning the introduction and operation of equipment and facilities of the coast guard;
5. Other matters referred to the Committee, which are deemed necessary for the improvement of significant policies and systems and business development.

(2) Notwithstanding paragraph (1), the Minister of Maritime Affairs and Fisheries or the Commissioner of the Korea Coast Guard may call meetings for matters deemed significant, on which deliberations and resolutions by the Committee are needed.

(3) Where the Minister of Maritime Affairs and Fisheries deems that a matter deliberated and resolved pursuant to paragraph (1) or (2) is not appropriate, the Minister may request reconsideration.

Article 6 (Organization and Appointment of Members of the Committee)

(1) The Committee shall be comprised of seven members including one Chairperson, and the Chairperson and members shall be part-time.

(2) Two members of the Committee shall be qualified as a judge.

(3) A person that the Minister of Maritime Affairs and Fisheries recommends shall be appointed as a member of the Committee by the President through the Prime Minister. In such cases, the Minister of Maritime Affairs and Fisheries shall, when recommending the appointment of a member, ensure to guarantee the political neutrality of the coast guard.

(4) None of the following persons shall become a member of the Committee:

1. A person for whom three years have not passed since such person seceded from a party;
2. A person for whom three years have not passed since such person retired from an official position held by election;
3. A person for whom three years have not passed since such person retired as an employee of the police, prosecutors' office, or the National Intelligence Service or retired from a military position;
4. A person who falls under any of the subparagraphs of Article 33 of the State Public Officials Act.

Article 7 (Term of Office and Guarantee of Status of Members)

(1) Each member shall hold office for a term of three years and shall not be appointed consecutively. In such cases, the term of office of a member who fills a vacancy shall be the remaining term of office of the predecessor.

(2) Where a member becomes an affiliate to a political party, holds office or is appointed to the positions pursuant to Article 6 (4) 2 or 3, or falls under subparagraph 4, such member shall automatically retire.

(3) No member shall be dismissed against the will of such member unless such member becomes unable to conduct the duties due to serious physical or mental disorders.

(4) Articles 60 and 65 of the State Public Officials Act shall apply mutatis mutandis to the members.

Article 8 (Requests for Reconsideration)

(1) Where the Minister of Maritime Affairs and Fisheries intends to request reconsideration pursuant to Article 5 (3), a written request for reconsideration shall be submitted to the Committee within 10 days

from the date on which the resolution is made.

(2) Where there is a request for reconsideration, the Chairperson shall make a resolution again by convening a meeting within seven days from the date on which such request is received.

Article 9 (Seeking Opinions)

(1) The Chairperson may, if necessary for deliberations by the Committee, request the relevant public officials to report necessary matters or submit materials, or seek opinions from relevant experts.

(2) The relevant public officials requested to report or submit materials pursuant to paragraph (1) shall comply with such request.

Article 10 (Operation of the Committee)

(1) The administrative affairs of the Committee shall be managed by the Korea Coast Guard.

(2) Resolutions shall be made at meetings of the Committee in the presence of a majority of the members and by the concurring vote of a majority of those present.

(3) Except as provided in this Act, matters necessary for the operation, etc. of the Committee shall be prescribed by Presidential Decree.

Article 11 (Commissioner of the Korea Coast Guard)

(1) The Korea Coast Guard shall have a Commissioner, and a commissioner general shall be appointed as the Commissioner of the Korea Coast Guard.

(2) A person that the Minister of Maritime Affairs and Fisheries recommends by obtaining the consent of the Coast Guard Committee shall be appointed as the Commissioner of the Korea Coast Guard by the President through the Prime Minister.

(3) The Commissioner of the Korea Coast Guard shall administer general affairs concerning the coast guard, and direct and supervise the employed public officials and the heads of the coast guard agencies of each level.

(4) The Commissioner of the Korea Coast Guard shall hold office for a term of two years and shall not be reappointed.

Article 12 (Qualifications for Commissioner of the Korea Coast Guard)

The Commissioner of the Korea Coast Guard shall be appointed from among persons who have worked for the coast guard as a state police official for at least 15 years, and hold or have held office as a state police official equal to or higher than senior superintendent generals.

Article 13 (Public Officials Employed by the Korea Coast Guard)

(1) The public officials employed by the Korea Coast Guard shall be classified into state police officials and public officials in general service.

(2) The ranks of state police officials employed by the Korea Coast Guard shall be classified into commissioner general, chief superintendent general, senior superintendent general, superintendent general, senior superintendent, superintendent, senior inspector, inspector, assistant inspector, senior police officer and police officer.

(3) Except as otherwise provided in this Act, the appointment, education and training, services, guarantee of status, etc. of the public officials employed by the Korea Coast Guard shall be governed by the State Public Officials Act and the Police Officials Act.

Article 14 (Duties)

(1) The coast guard shall conduct duties related to search, rescue, coastal safety management, ship traffic control, escort, guard, and anti-terrorism in the sea.

(2) The coast guard shall conduct duties related to the prevention, suppression and investigation of ocean-related crimes, and the collection, compilation and distribution of public security information to secure public peace and to maintain order in the sea.

(3) The coast guard shall conduct duties related to the prevention of marine pollution and precautionary activities against marine pollution.

(4) The coast guard shall cooperate with the government agencies of other nations and with international organizations that are related to the duties of the coast guard.

Article 15 (Conduct of Duties)

(1) The public officials employed by the Korea Coast Guard shall conduct the duties under the direction and supervision of seniors, and mutually cooperate for the conduct of such duties.

(2) Where a public official employed by the Korea Coast Guard has a contradictory view about the legality or justification of the direction and supervision under paragraph (1) in connection with a specific investigation, such public official may raise an objection.

(3) Matters necessary for the conduct of duties of public officials employed by the Korea Coast Guard shall be prescribed by statutes separately.

Article 16 (Efforts to Secure Maritime Safety)

(1) The Commissioner of the Korea Coast Guard shall prepare appropriate educational and training systems to guarantee the safety of people using the ocean for sea transportation, fishing, development of resources, marine scientific research, tourism, leisure activities, etc. and to efficiently respond to the occurrence of accidents.

(2) The Commissioner of the Korea Coast Guard shall prepare a command hierarchy and communication system to collect and disseminate information on the relevant situation so as to secure maritime safety and respond to marine accidents.

(3) The Commissioner of the Korea Coast Guard shall implement policies for research and development on the relevant technologies, methods of maritime rescue and salvage, etc., and for the improvement of systems to guarantee maritime safety and respond to maritime accidents under paragraph (1).

Article 17 (Cooperation)

(1) The Commissioner of the Korea Coast Guard may, if necessary to respond to a marine disaster or marine accident that threatens the safety of the people, request the heads of the relevant administrative agencies or the heads of local governments to render cooperation necessary therefor.

(2) The Commissioner of the Korea Coast Guard shall enhance cooperative relationships with civil organizations and institutions to secure maritime safety and to reinforce search and rescue equipment and technology, and may formulate and promote plans and policies necessary therefor.

Article 18 (Expansion of People's Participation)

(1) The Commissioner of the Korea Coast Guard shall endeavor to provide diverse methods of participation and opportunities for cooperation to expand the participation of the people in coast guard administration.

(2) The Commissioner of the Korea Coast Guard shall review opinions collected from the people and relevant experts through the participation of the people under paragraph (1) and, if necessary, reflect such opinions in the conduct of duties of the coast guard.

Article 19 (Securing Expertise in Conducting Duties)

(1) To secure expertise in conducting duties, the Commissioner of the Korea Coast Guard shall develop educational and training systems, and continue to endeavor to foster outstanding human resources.

(2) To introduce extra-organization experts, the Commissioner of the Korea Coast Guard may implement career-based competitive recruitment examinations under the Police Officials Act or career-based competitive recruitment examinations, etc. using the open position system pursuant to the State Public Officials Act.

Article 20 (Management of Coast Guard Equipment)

(1) The Commissioner of the Korea Coast Guard shall implement plans to introduce and manage warships, aircraft, common-use or private-use weapons, police gear, and various kinds of equipment and facilities (including equipment for rescue, salvage, and pollution prevention; hereinafter referred to as "coast guard equipment, etc.") that are necessary to conduct the duties of the coast guard.

(2) The Commissioner of the Korea Coast Guard shall prepare measures to secure financial resources in a continued and stable manner, which are necessary to effectively promote plans for introducing, managing and operating coast guard equipment, etc.

Article 21 (Support for Research and Development)

(1) The Commissioner of the Korea Coast Guard shall prepare and promote policies for the development of science and technology in the relevant areas, such as research, experiment, investigation, technical development (hereinafter referred to as "research and development projects"), development of professional workforce, etc. that are necessary for the business of the coast guard.

(2) To efficiently promote research and development projects, the Commissioner of the Korea Coast Guard may have any of the following institutions, organizations, etc. conduct research and development projects by entering into an agreement with them:

1. National and public research institutes;
2. Specific research institutes pursuant to Article 2 of the Specific Research Institutes Support Act;
3. Government-funded science and technology research institutes established under the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research

Institutes;

4. Colleges and universities, industrial colleges, junior colleges, and technical colleges under the Higher Education Act;

5. Corporations established under the Civil Act or other statutes, which are research institutes or corporation-affiliated research institutes in the area of public security;

6. Enterprise-affiliated research institutes or research and development-dedicated divisions of enterprises recognized pursuant to Article 14-2 (1) of the Basic Research Promotion and Technology Development Support Act;

7. Other institutions or organizations prescribed by Presidential Decree, which conduct research, survey, technical development, etc. in the relevant areas.

(3) The Commissioner of the Korea Coast Guard may provide subsidies for all or some of the costs necessary for the institutions, organization, etc. under the subparagraphs of paragraph (2) to conduct research and development projects.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 Omitted.

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