CHAPTER I. GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prevent any danger and injury due to either damage of marine environment or marine pollution and create a clean and safe marine environment by defining the duties of the people and the obligation of the State on conservation and management of the marine environment and providing fundamental matters for conservation of the marine environment and thereby to contribute to enhance the quality of life.

Article 2 (Definitions)
The definitions of terms used in this Act shall be as follows: <Amended by Act No. 8380 on Apr. 11, 2007; Act No. 8404 on Apr. 27, 2007; Act No. 8788 on Dec. 21, 2007; Act No. 8852 on Feb. 29, 2008>

1. The term "marine environment" means an oceanic nature and life status, including an organism inhabiting in the ocean, and abiotic environment such as sea water, oceanic land, marine atmosphere, etc. and human behavior in the ocean.

2. The term "marine pollution" means a status in which dangerous results are caused, or may be caused, to the marine environment by materials or energy that flow into an ocean or is generated in the ocean.

3. The term "discharge" means an outflow, dumping or leakage, elution of pollution materials, etc.; provided that outflow, dumping or leakage, elution by the performance of investigation, and research for the purpose of science in order to reduce, prevent or remove marine pollution shall be excluded;

4. The term "waste" means materials which cannot be utilized in itself in the case of discharging into an ocean and cause, or may cause, dangerous results to the marine environment (excluding materials pertaining to Subsections 5, 7 and 8).

5. The term "oil" means crude oil and petrochemical products (excluding petroleum gas) under the Petroleum and Petroleum Substitute Fuel Business Act, and liquid oil mixture containing them (hereinafter referred to as the “liquid oil mixture”) and waste oil.

6. The term "water ballast" means water ballast under the provision of Subsection 2 of Article 2 of the Water Ballast Management Act.

7. The term "dangerous liquid material" means any liquid material, having or may potentially having dangerous results to marine environment, and a liquid mixture containing such material, and as designated by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

8. The term "packaged dangerous material" means any material, of which discharge into ocean having or may potentially having dangerous results to the marine environment,
among dangerous materials which are transported as a packaged form by vessel, and as designated by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

9. The term "dangerous antifouling paint" means any paint (hereinafter referred to as the “antifouling paint”) used in a vessel or maritime facility, etc., in which components to destruct organisms, such as organic tin components, etc., are included, in order to restrict or prevent the adhesion of organisms, and as designated by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

10. The term "residual organic pollution material" means any chemical to cause acute or chronic toxicity or carcinogenesis in the event of inflowing into the ocean and being accumulated in organisms, and as designated by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

11. The term "pollution material" means wastes, oil, dangerous liquid material, and packaged dangerous material, of which inflow or discharge into ocean having or may potentially having dangerous results to marine environment.

12. The term "ozone depletion material" means any material as determined under Subsection 1 of Article 2 of Act on the Control, etc. of Manufacture of Specific Substances for the Protection of the Ozone Layer.

13. The term "air pollution material" means ozone depletion material, volatile organic compound, and air pollution material as determined under Subsection 1 of Article 2 of Clean Air Conservation Act.

14. The term "sulfur oxides emission control area" means any sea area requiring measures to control specially the discharge of sulfur oxides from vessels in order to prevent air pollution due to sulfur oxides and any adverse effects on the land and sea, and as designated by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

15. The term "volatile organic compound" means oil and dangerous liquid material among hydrocarbons as determined under Subsection 10 of Article 2 of Clean Air Conservation Act.
16. The term "vessel" means an item (including a thing equipped with outboard engine), which is used or can be used for navigation over water or under water, and a fixed or floating drill ship and platform as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

17. The term "maritime facility" means any facility or structure which is continuously installed, arranged or injected between inside of the sea area (including harbors under the provision of Subsection 1 of Article 2 of the Harbor Act, and hereinafter the same shall apply) or sea area and land, and as designated by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

18. The term "bilge water" means any liquid oil mixture which is stagnating over the bottom of the vessel.

19. The term "port management agency" means a management agency under Article 23 of the Harbor Act, a fishing port management agency under Article 35 of Fishing Village & Port Act and a harbor corporation under the Harbor Corporation Act.

20. The term "sea area management agency" means a relevant Metropolitan City Mayor or Do Governor and Special Self-governing Do Governor (hereinafter referred to as the “Mayor/Do Governor”) for sea area under the Territorial Sea and Contiguous Zone Act, or the Minister of Land, Transport and Maritime Affairs (hereinafter referred to as the “Minister”) in the case of any of the following items.

A. Exclusive economic zone under the provision of Article 2 of the Exclusive Economic Zone Act and a sea area as determined by Presidential Decree; or

B. Sea area within a harbor as determined by Presidential Decree.

Article 3 (Scope of Application)

(1) This Act shall apply to marine environment management of sea areas, water areas zones and vessels and maritime facilities, etc. falling under any of the following Subsections; provided, however, that marine environment management and marine
pollution prevention related to radioactive substances shall be covered under the provisions of the Atomic energy Act.

1. Territorial sea under the Territorial Sea and Contiguous Zone Act and sea area as designated by Presidential Decree;

2. Exclusive economic zone under the provision of Article 2 of the Exclusive Economic Zone Act;

3. Environment management sea area under the provision of Article 15; and

4. Submarine mining area under the provision of Article 3 of the Submarine Mineral Resources Development Act

(2) This Act shall apply to the prevention of marine pollution caused outside the sea area, water area, and zone falling under each Subsection of Section 1 by Korean vessel (hereinafter referred to as the “Korean vessel”) under the provision of Article 2 of the Vessel Act.

(3) This Act shall apply to vessels other than Korean vessel (hereinafter referred to as the “Foreign vessel”) where they are under voyage or anchorage; provided, however, that Articles 32, 49 through 54, 56 through 58, 60, 112 and 113 shall not apply to foreign vessels engaged in international voyage.

(4) Criteria of sulfur contents under the provision of Article 44 and quality criteria of fuel oil under the provision of Article 45 shall, unless otherwise provided under the provision of this Act, be determined as provided under the Petroleum and Petroleum Substitute Fuel Business Act and the Clean Air Conservation Act.

(5) Disposal of pollution material shall, unless otherwise provided under the provision of this Act, be determined as provided under the Wastes Control Act and the Water Quality Conservation Act and Act on the Disposal of Sewage, Excreta and Livestock Wastewater.

(6) Permissible discharge standards of air pollution materials such as nitrogen oxide, etc. which are generated from the diesel engine of vessel shall, unless otherwise provided
under the provision of this Act, be determined as provided under the Clean Air Conservation Act.

**Article 4 (Relation with International Agreement)**

Where any criteria as provided by international agreement related to marine environment and pollution, which is effective internationally, is different from the contents as provided under this Act, such international agreement shall prevail, *provided*, however, that, where the provisions of this Act contain more restrictive standards than that of international agreements, the same shall not apply.

**Article 5 (Obligation of the State, Etc.)**

(1) State and local governments shall establish and enforce any measures necessary for proper conservation and management of marine environments such as the prevention of damage caused by marine pollution and the restoration of damaged marine environments, etc.

(2) A person who performs an act or engages in business, such as development and utilization in the ocean affecting the marine environment, shall take any measure necessary to minimize the damage of marine pollution and environment.

(3) All people have the right to live in a healthy and comfortable environment and shall positively cooperate with policies related to the conservation and management of marine environments which are enforced by State and local governments.

**Article 6 (Promotion of Science & Technology and International Cooperation Related to Marine Environment)**
(1) The Minister shall contrive to take measures necessary for developing scientific technology for the efficient management of marine environment and promoting the development of relevant industries. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister may enforce any necessary business in cooperation with foreign governments or international organizations related to the marine environment in order to work in cooperation with the conservation and management of marine environments and prevention of marine pollution. In this case, the Minister can order Korean research organizations and science institutions, etc. participate jointly in the respective business. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) The Minister may provide necessary support within the scope of the budget to the research organizations and science institutions jointly participating under the provisions of the latter part of Section (2). <Amended by Act No. 8852 on Feb. 29, 2008>

(4) Matters necessary for types of international cooperation business and joint participation, organization and support, etc under the provision of Sections (2) and (3) shall be determined by Presidential Decree.

**Article 7 (Principle of Polluter Responsibility)**

A person who has caused the damage of marine environment or marine pollution by his/her act or business activity (hereinafter referred to as the “Polluter”) shall take responsibility for the restoration of the damaged and polluted marine environment and bear expenses necessary for remedy of any damage or pollution of the marine environment thereof.

**CHAPTER II. MEASURES FOR CONSERVATION AND MANAGEMENT OF MARINE ENVIRONMENT**

**Part 1. Marine Environment Standard and Data Management**
Article 8 (Marine Environment Standard)

(1) The Minister shall take into consideration the marine environment under the provisions of Article 11 of the Environmental Policy Fundamental Act and designate and notify to the public the standard of marine environment (hereinafter referred to as the “marine environment standard”) necessary for establishing policies on the conservation of marine environment under the provision of Article 13 of the Framework Act on Marine and Fisheries Development by sea area and use. In this case, the Minister shall hear in advance opinions from the head of the relevant administrative agency. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Mayor/Do governor may designate separately and notify to the public the marine environment standards for the proper utilization and development of marine resources and marine environment conservation, etc. in their competent sea area by making reference to the marine environment standards designated by the Minister under the provision of Section (1). In this case, when designating the marine environment standards of the relevant competent sea area or changing their contents, the Mayor/Do governor shall obtain in advance the Minister’s approval. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) Methods to designate the marine environment standards under the provisions of Sections (1) and (2) and other necessary matters shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 9 (Marine Environment Measurement Network)

(1) The Minister shall construct a marine environment measurement network and measure regularly the marine environment, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, for the measurement and
investigation of both marine environment status and pollution source. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Mayor/Do governor may construct separately a marine environment measurement network suitable for their competent sea area by making reference to the marine environment measurement network constructed by the Minister under the provisions of Section (1). In this case, when constructing the marine environment measurement network of the competent sea area or changing the constructed contents, the Mayor/Do governor shall notify in advance to the Minister. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 10 (Marine Environment Process Test Standard)

In the event of constructing and operating the marine environment measurement network under the provisions of Article 9 (1) and investigating or evaluating the marine environment status, the Minister shall designate and notify to the public the marine environment process test standards for securing their accuracy and unification. In the case where public notification is already made thereon to the public Korean Industrial Standards under the provisions of Article 10 of the Industrial Standardization Act in relation to the marine environment process test standards, they shall comply with the contents of the Korean Industrial Standards unless there are special reasons not to. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 11 (Marine Environment Information Network)

(1) The Minister shall construct a marine environment information network and provide marine environment information to the people as determined by Presidential Decree. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister may, in the event necessary for the construction of a marine environment information network under the provision of Section (1), request the head
of the relevant administrative agency to submit any necessary data. In this case, the head of the relevant administrative agency shall comply with such request unless there are special circumstances not to. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) Matters necessary for the construction, operation and management of the marine environment information network under the provisions of Sections (1) and (2) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 12 (Quality Management of Measurement and Analysis Institutions of Marine Environment)**

(1) The Minister may, in order to measure and analyze the marine environment accurately and reliably, take necessary measures (hereinafter referred to as the “quality management”), such as evaluation of measurement and analysis capacity, execution of relevant training and verification of data relevant to measurement and analysis, etc., as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, to any institution designated by Presidential Decree among institutions to measure and analyze the marine environment status (hereinafter referred to as the “measurement and analysis institution”). <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister may order, where it is deemed necessary, the improvement and complementing of relevant equipment and apparatuses and other necessary measure to the measurement and analysis institutions after performing quality management. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 13 (Certification of Measurement and Analysis Capacity)**

(1) The Minister may, after performing quality management, certify the measurement and analysis capacity to the measurement and analysis institutions which are acknowledged to be suitable for the standards of measurement and analysis as determined by the

(2) The Minister shall perform regular quality management every three years to measurement and analysis institutions which received the certification of measurement and analysis capacity under the provision of Section (1) and renew the certification of measurement and analysis capacity according to its result; provided, however, that in the case of alteration of important items as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, among items in which measurement and analysis capacity are certified, quality management shall be performed regularly and the certification of measurement and analysis capacity shall be renewed according to its result. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) The Minister shall, where a person who has received the certification of measurement and analysis capacity falls under any of the following Subsections, revoke the said certification. <Amended by Act No. 8852 on Feb. 29, 2008>

1. Where it is certified by fraudulent or illegal means;

2. Where the result of quality management under the provision of Section (2) is not suitable for the standards of measurement and analysis under the provision of Section (1); or

3. Where the certification of measurement and analysis capacity is inappropriate and where it is falling under reasons determined by Presidential Decree.

(4) Matters necessary for the application procedure of the certification of measurement and analysis capacity and issuance of the certificate under the provisions of Sections (1) and (2) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 14 (Establishment of Marine Environment Management Master Plan, Etc.)

(1) The Minister shall establish and execute a marine environment management master plan every five years on matters related to conservation and management of the marine environment, as determined by Presidential Decree. In this case, the Minister shall make a consultation in advance with the head of relevant central administrative agency.  
<Amended by Act No. 8852 on Feb. 29, 2008>

(2) The marine environment management master plan shall be decided through deliberation of a marine and fisheries development committee under the provisions of Article 7 of the Framework Act on Marine and Fisheries Development. <Amended on Feb. 6, 2009>

(3) The marine environment management master plan shall include matters falling under any of the following items.

1. Matter on the current status and future estimate of marine environments;
2. Matter on the direction of policies on the conservation of marine environments;
3. Matter on measures for the prevention of marine pollution and improvement of marine environments;
4. Matter on the development of scientific technology and international cooperation related to the conservation of marine environment; and
5. Other matters necessary for conservation and management of marine environments and as determined by Presidential Decree.

(4) Where the marine environment management master plan under the provision of Section (1) is established, the Minister shall notify it to the head of the relevant administrative agency, and the head of relevant administrative agency which the marine environment management master plan is notified shall take measures necessary for enforcement thereof. <Amended by Act No. 8852 on Feb. 29, 2008>
(5) Where deemed necessary for the establishment of the marine environment management master plan under the provision of Section (1), the Minister may request the head of the relevant administrative agency to submit data. In this case, the head of the relevant administrative agency shall follow the request unless there are special circumstances not to. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 15 (Designation and Management of Environment Management Sea Area)

(1) Where deemed necessary for the conservation and management of marine environments, the Minister may designate and manage an environment conservation sea area and special management sea area (hereinafter referred to as the “environment management sea area”) according to the classification of each of the following Subsections. In this case, the Minister shall consult in advance with the head of the relevant central administrative agency. <Amended by Act No. 8852 on Feb. 29, 2008>

1. Environment conservation sea area: sea area falling under any of the following items and as designated by Presidential Decree (including land to affect directly marine pollution)

   a. Sea area designated as a utilization zone necessary for protection and development of fisheries resources among nature conservation zones under the provision of Subsection 4 of Article 6 of the Act on Planning and Use of National Territory; or

   b. Sea area where the conservation of its marine environment and ecosystem is sound and its continuous conservation is required.

2. Special management sea area: sea area where it is difficult to maintain the standards of marine environment under the provisions of Article 8 (1) or sea area, where there are, or may be, severe impediments in the conservation of the marine environment and ecosystem, and as determined by Presidential Decree (including land to affect directly marine pollution)

(2) Where the marine environment status and pollutants of environment conservation sea area exceed the standards of marine environment under the provision of Article 8(1)
and it is acknowledged that severe damage may be incurred upon the health of people or to the growth of life forms, the Minister may restrict the installation or change of facilities in the environment conservation sea area as designated by Presidential Decree. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) Where the marine environment status and pollutants of environment conservation sea area exceed the standards of the marine environment under the provision of Article 8(1) and it is acknowledged that there is risk of severe damage to the health of people or to the growth life forms, the Minister may take measures falling under any of the following Subsections. <Amended by Act No. 8852 on Feb. 29, 2008>

1. Restriction of installation or change of facilities within the special management sea area;

2. Regulation of total emission of pollutant substances which are discharged from a business place located within the special management sea area.

(4) Necessary matters regarding facilities, of which installation or change is restricted under the provisions of each Subsection of Section (3), and the contents of restrictions, the scope of sea area, in which the regulation of total emission of pollutant substances is enforced, regulation items and the regulation method shall be determined by Presidential Decree.

**Article 16 (Establishment of Environment Management Basic Plan, Etc.)**

(1) The Minister shall establish and enforce the basic plan for the environment management of an environment management sea area including any matter of the following Subsections (hereinafter referred to as the “environment management basic plan”). In this case, the Minister shall make a consultation in advance with the head of the relevant administrative agency. <Amended by Act No. 8852 on Feb. 29, 2008>

1. Matter regarding the observation of marine environment;

2. Matter regarding the investigation and research of pollutant substances;
3. Matter regarding measures for conservation and improvement of the marine environment;

4. Matter regarding resident support according to environment management; and

5. Other matters necessary for management of environment management sea area and as determined by Presidential Decree.

(2) The environment management basic plan shall be decided through deliberation of a marine and fisheries development committee under the provision of Article 7 of the Framework Act on Marine and Fisheries Development. <Amended on Feb. 6, 2009>

(3) The Minister shall, where the environment management basic plan is established, notify it to the head of the relevant administrative agency, and the head of the relevant administrative agency which is notified the environment management basic plan shall take necessary measures such as the establishment of the detailed execution plan, etc. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) The Minister may, in the case necessary for performing the environment management basic plan, operate independently a project management group which is organized with public officials of the relevant administrative agency and expert, etc. In this case, matters necessary for organization and operation of the project management group shall be determined by Presidential Decree. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 17 Deleted <on Feb. 6, 2009>

Article 18 (Marine Environment Improvement Measures)

(1) The sea area management agency may, where it is acknowledged to be necessary for preventing marine pollution due to the inflow or accumulation, etc. of pollutant substances and for improving the marine environment, take necessary marine
environment improvement measures of the following Subsections as determined by Presidential Decree.  <Amended by Act No. 8852 on Feb. 29, 2008>

1. Installation of an inflow prevention facility of pollutant substances;

2. Collection and disposal of pollutant substances;

3. Collection of accumulations of pollutants; and

4. Other necessary measures related to marine environment improvement as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(2) The Minister may, where it is acknowledged to be necessary for the conservation and management of marine environment or prevention of marine pollution, investigate the pollutant substances of marine environments in sea areas or zones under the provisions of each Subsection of Article 3(1) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. In this case, the Minister may request the head of the relevant administrative agency for joint investigation on the polluted sea area and facilities discharging pollutants. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) The Minister may, where it is acknowledged to be necessary after investigating pollutant substances of marine environment under the provision of Section (2), have a polluter take necessary marine environment improvement measures under the provision of any Subsection of Section (1). <Amended by Act No. 8852 on Feb. 29, 2008>

(4) Necessary matters regarding the installation method of an inflow prevention facility of pollutant substances, collection and disposal methods of pollutant substances and collection method of accumulated pollutants, etc. related to the marine environment improvement measures under the provision of Section (1) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Part 3. Marine Environment Improvement Surcharge
Article 19 (Safety Marine Environment Improvement Surcharge)

(1) The Minister shall impose and collect marine environment improvement surcharge (hereinafter referred to as the “surcharge”) on each act of the following Subsection to affect severely damage marine environment and marine ecosystem. <Amended by Act No. 8852 on Feb. 29, 2008>

1. Act which a person who has operated marine waste dumping business under the provision of Subsection 1 of Article 70(1) (hereinafter referred to as the “marine waste dumping businessman”) discharges waste into the ocean; or

2. Act of discharging pollutant substances exceeding the permitted scale, as determined by Presidential Decree, from a vessel or maritime facility into the ocean

(2) The surcharge shall be calculated in consideration of the type and discharge amount of pollutant substances but imposed by multiplying the discharge amount of pollutant substances by unit imposition amount and applying to it imposition coefficient by type of pollutant substances. In this case, the discharge amount of pollutant substances and unit imposition amount and imposition coefficient by type shall be determined by Presidential Decree.

(3) The Minister may have a payment obligor pay the surcharge by installments. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) The Minister shall deliver surcharges under the provision of Section (1) and additional money under the provision of Article 20(2) as fisheries development funds under Article 76 of the Fisheries Act (hereinafter referred to as the “fund”). <Amended by Act No. 8852 on Feb. 29, 2008; Act No. 9626 on Apr. 22, 2009>

(5) Necessary matters regarding collection procedure of surcharges under the provisions of Sections (1) and (2) shall be determined by Presidential Decree.
Article 20 (Compulsory Collection of Surcharges)

(1) The Minister shall, where a person who is liable to pay the surcharge under the provisions of Article 19 does not pay it within the payment period, issue a reminder containing a payment period of more than thirty days. In this case, additional money of not more than five percent of the additional surcharge as determined Presidential Decree shall be collected. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) Where a person who received the reminder under the provision of Section (1) does not pay the surcharges and additional money within the designated payment period, the surcharges and additional money may be collected in accordance with the examples of disposition on the national taxes in arrears.

Article 21 (Use of Surcharges)

Surcharge paid as the fund under the provision of Article 19 (4) shall be used for the business falling under any of the following Subsections.

1. Business regarding the prevention of marine pollution and restoration of marine environments;

2. Business regarding conservation and management of marine environments;

3. Supporting business to businessmen using environment-friendly oceans, and coastal residents;

4. Business for marine environment improvement measures under the provision of Article 18 (1);

5. Research and development business related to marine environments;

6. Supporting business regarding investigation, research, public relations and education of marine environments;
7. Fisheries supporting business such as support to fisherman’s damage due to marine pollution; and

8. Business related to Subsection 1 through 7 and as determined by Presidential Decree.

CHAPTER III. REGULATION FOR PREVENTION OF MARINE POLLUTION


Article 22 (Prohibition of Discharging Pollutant Substances)

(1) Nobody shall discharge pollutant substances from a vessel into the ocean; provided, however, that the same shall not apply to each of the following Subsections.

<Amended by Act No. 8788 on Dec. 21, 2007; Act No. 8852 on Feb. 29, 2008>

1. In the event of discharging waste according to classification of each of the following items:

A. In the event of intending to discharge waste generated in the voyage and anchorage of a vessel, it shall be discharged in a sea area, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, according to disposal standards and methods as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs; or

B. In the event of intending to discharge waste, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, into a place where it is intended to reclaim under the provisions of Article 9 of the Public Waters Reclamation Act and Article 38 of the same Act, it shall be discharged according to the disposal standards and methods as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.
2. In the event of discharging oil according to the classification of each of the following items:

A. In the event of discharging oil from a vessel, it shall be discharged in a sea area, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, according to discharge standards and methods as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs;

B. In the event of discharging water ballast containing cargo oil, cleaning water of cargo hold and bilge water from a tanker, it shall be discharged in a sea area, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, according to discharge standards and methods as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs; or

C. In the event of discharging water ballast of cargo hold from a tanker, it shall be discharged according to the cleaning degree as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

3. In the event of discharging dangerous liquid materials according to classifications of each of the following items:

A. In the event of discharging dangerous liquid materials, it shall be discharged in a sea area, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, according to pre-disposal standards and methods as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs; or

B. In the event of discharging cleaned water ballast from the cargo hold (including facility for discharge of water ballast) which is utilized in transportation in bulk for dangerous liquid materials as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, it shall be discharged according to the purification methods as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(2) Nobody shall discharge pollutant substances which are generated from a place designated by Presidential Decree such as maritime facility or ocean beach and estuary
zone (hereinafter referred to as the “marine space”); provided, however, that the same shall not apply to each of the following Subsection. <Amended by Act No. 8852 on Feb. 29, 2008>

1. In the event of discharging waste generated from a maritime facility and marine space (hereinafter referred to as the “maritime facility, etc.”) in a sea area, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, according to the disposal standards and methods as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs; or

2. In the event of discharging oil and dangerous liquid materials generated from the maritime facility, etc. according to the disposal standards and methods as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(3) In the events falling under any of the following Subsections, notwithstanding the provision of Sections (1) and (2), pollutant substances which are generated from vessel or maritime facility, etc. may be discharged into the ocean. <Amended by Act No. 8852 on Feb. 29, 2008>

1. In the event of discharging unavoidably pollutant substances for safety or lifesaving of a vessel or maritime facility, etc.;

2. In the event of discharging unavoidably pollutant substances because of damages, etc. to the vessel or maritime facility, etc.; or

3. In the event of discharging unavoidably pollutant substances in the process of minimizing pollution damage in the pollution accident of a vessel or maritime facility, etc. according to the methods as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

**Article 23 (Prohibition of Discharging Waster Generated from Land into Ocean)**

(1) Nobody shall discharge waste generated from land into the ocean; provided, however, that the Minister may allow within the scope not to affect the conservation and
management of marine environment to discharge only waste, which is difficult to
dispose in land and as determined by the Ordinance of the Ministry of Land, Transport
and Maritime Affairs, into the sea area, as determined by the Ordinance of the Ministry
of Land, Transport and Maritime Affairs, according to the disposal standards and
methods as determined by the Ordinance of the Ministry of Land, Transport and

(2) The Minister may allow a marine waste dumping business to dispose only wastes, of
which a contracted disposal is filed by a waste contractor under the provisions of
Article 76 (1), among wastes which can be discharged into the ocean under the proviso
of Section (1). <Amended by Act No. 8852 on Feb. 29, 2008>

(3) The Minister shall inspect in advance, as determined by the Ordinance of the Ministry
of Land, Transport and Maritime Affairs, whether it is pertaining to wastes which can
be discharged into the ocean under the proviso of Section (1). <Amended by Act No.
8852 on Feb. 29, 2008>

(4) The Minister may have a professional inspection organization vicariously execute the
inspection affairs under the provisions of Section (3) as determined by Presidential
Decree. <Amended by Act No. 8852 on Feb. 29, 2008>

(5) Application of waste discharge sea area under the proviso of Section (1) and
designation procedures and other necessary matters shall be determined by the
Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act
No. 8852 on Feb. 29, 2008>

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

(1) The Minister shall establish and enforce a waste marine collection and disposal plan
as determined by Presidential Decree in order to collect and dispose efficiently waste
discharged into the ocean or flown from the ocean. In this case, the Mayor/Do
governor shall establish and enforce a detailed action plan in accordance with waste
marine collection and disposal plan. <Amended by Act No. 8852 on Feb. 29, 2008>
(2) The sea area management agency may, where it is acknowledged to be necessary for pollution prevention activities, perform investigation and measurement activities such as water analysis of marine space, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) The sea area management agency may operate a vessel or disposal facility necessary for pollution prevention activities such as the collection and disposal, and investigation and measurement activities of wastes under the provisions of Sections (1) and (2).

(4) The sea area management agency may have a polluter bear whole or part of expenses for the collection and disposal or storage of waste under the provision of Section (1) as determined by Presidential Decree.

Part 2. Marine Pollution Prevention in Vessel

Article 25 (Installation of Waste Pollution Prevention Facility, Etc.)

(1) An owner of a vessel (referring to a vessel lessee in the event of lending a vessel; hereinafter the same shall apply) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs shall install facilities for storage disposal of wastes (hereinafter referred to as the “waste pollution prevention facility”), which is generated within the vessel and as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, according to standards as determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The waste pollution prevention facility shall be maintained and operated conforming to the standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>
Article 26 (Installation of Oil Pollution Prevention Facility, Etc.)

(1) An owner of vessel shall install a facility for the prevention of oil generated within the vessel (hereinafter referred to as the “oil pollution prevention facility”) in the vessel or keep a container for storing waste oil in the vessel. In this case, the subject vessel and its installation criteria shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) An owner of vessel shall, where there occurs a collision or stranding of a vessel or other accident, provide a hull structure to prevent the discharge of oil. In this case, the subject vessel, hull structure criteria and other necessary matters shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) The oil pollution prevention facility installed under the provision of Section (1) shall be maintained and operated conforming to the standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 27 (Installation of Dangerous Liquid Material Pollution Prevention Facility, Etc.)

(1) An owner of vessel which transports dangerous liquid materials in bulk and as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs shall install facilities for storing and disposing dangerous liquid materials within the vessel or preventing marine pollution due to dangerous liquid materials (hereinafter referred to as the “dangerous liquid material pollution prevention facility”) according to the standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) An owner of a vessel which transports dangerous liquid materials in bulk and as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs
shall, in order to prevent the discharge of dangerous liquid materials when there occurs a collision or stranding of a vessel or other accidents, install and maintain a cargo hold of the vessel according to the standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) An owner of vessel under the provision of Section (1) shall prepare a guideline regarding the discharging method and facility of dangerous liquid materials according to the standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs and obtain a seal of approval seal from the Minister and provide it to the captain of the vessel. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) The dangerous liquid material pollution prevention facility installed under the provision of Section (1) shall be maintained and operated conforming to the standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 28 (Restriction on Loading of Water Ballast and Oil <Amended by Act No. 8788 on Dec. 21, 2007>)

(1) No water ballast shall be loaded in the cargo hold of a tanker, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, and fuel tank of vessel, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs; provided, however, that, where it is necessary to make a trial run of newly constructed vessels or secure vessel safety and as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, the same shall not apply. <Amended by Act No. 8788 on Dec. 21, 2007; Act No. 8852 on Feb. 29, 2008>

(2) No oil shall be loaded in a tank installed in front of the fore peak tank or collision bulkhead of vessel as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>
Article 29 (Transportation of Packaged Dangerous Material)

A person who intends to transport packaged dangerous materials by using a vessel shall transport it according to its respective requirements, such as packaging, marking and loading methods, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 30 (Management of Vessel Pollutant Substance Record)

(1) A captain of a vessel (referred to an owner of vessel in the event of a towed vessel) shall maintain a record on waste, oil and dangerous liquid materials, which are used or transported and disposed in the vessel, according to each classification of the following Subsections (hereinafter referred to as the “vessel pollutant substance record”) in the vessel (referred to an office of an owner of vessel in the event of a towed vessel) and shall record the amount used transported and disposed, etc. <Amended by Act No. 8852 on Feb. 29, 2008>

1. Waste record: a book to record the total amount and disposed amount of wastes generated from a vessel exceeding the size determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs; provided, however, that, where a marine environment management businessman prepare and maintains a disposal book under the provisions of Article 72 (1), the same shall be substituted with the disposal book.

2. Oil record: a book to record the amount used and disposed of oil in a vessel; provided, however, that a vessel as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs shall be excluded and a transportation amount other than the amount used or disposed of the oil shall be additionally recorded for a tanker.

3. Dangerous liquid material record: a book to record the transportation amount and disposed amount of dangerous liquid materials which are transported in bulk by a vessel.
(2) The period for keeping the vessel pollutant substance records shall be three years from the final recording date, and necessary matters regarding description items and record keeping method, etc. shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 31 (Management of Vessel Marine Pollution Emergency Plan)

(1) An owner of a vessel (excluding a towed vessel) shall prepare a marine pollution emergency plan of oil and dangerous liquid materials including contents for measures to be taken where oil or dangerous liquid materials are discharged into the ocean (hereinafter referred to as the “vessel marine pollution emergency plan”) and obtain seal of approval from the Commissioner of Korean Coast Guard and have them stored in the vessel.

(2) Necessary matters regarding the scope of the subject vessel to maintain the vessel marine pollution emergency and its description, etc. shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 32 (Marine Pollution Prevention Manager)

(1) An owner of a vessel as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs shall appoint a marine pollution prevention manager among the crew on board the vessel in order to assist the captain and manage affairs regarding the prevention of discharging pollution materials and air pollution materials from the vessel. In this case, more than one marine pollution prevention manager of dangerous pollution materials shall be additionally appointed for a vessel that transports dangerous liquid materials in bulk. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) An owner of a vessel shall keep within the vessel a document proving that a marine pollution prevention manager has been appointed under the provisions of Section (1).
(3) Necessary matters regarding qualification, work scope and observation items of a marine pollution prevention manager under the provisions of Section (1) shall be determined by Presidential Decree.

Part 3.  Marine Pollution Prevention in Maritime Facility

Article 33 (Filing of Maritime Facility)

(1) An owner of a maritime facility (including a person who has installed and operated it, and referring to facility lessee in the event of leasing it) shall file a report of such facility to the Minister. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) Necessary matters regarding the filing contents and procedure of maritime facilities under the provisions of Section (1) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 34 (Management of Maritime Facility Pollutant Substance Record)

(1) An owner of a maritime facility, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, among maritime facilities which handle oil and dangerous liquid materials shall keep a record of oil and dangerous liquid materials (hereinafter referred to as the “maritime facility pollutant substance record”) within the facility and record the used amount of oil and dangerous liquid materials and items regarding the carrying in and out of such. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) A period for keeping the maritime facility pollutant substance record shall be three years from the final recording date, and necessary matters regarding description items,
Article 35 (Management of Maritime Facility Pollution Emergency Plan)

(1) An owner of a maritime facility, which uses and stores or disposes oil and dangerous liquid materials, shall establish a marine pollution emergency plan containing contents on measures to be taken where oil and dangerous liquid materials are discharged into the ocean (hereinafter referred to as the “maritime facility pollution emergency plan”) and obtain a seal of approval from the commissioner of the Korean Coast Guide and keep it within the maritime facility; provided, however, that, in the event it is difficult to keep the maritime facility pollution emergency plan in the maritime facility, it can be kept in the owner’s office of the maritime facility.

(2) Necessary matters regarding targets, in which a maritime facility pollution emergency plan shall be kept, and description items, etc. shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 36 (Marine Pollution Prevention Manager)

(1) An owner of a maritime facility as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs shall appoint a marine pollution prevention manager among employees working in the maritime facility in order to manage affairs on the discharge prevention of pollutant substances from a maritime facility. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) An owner of a maritime facility shall keep in the maritime facility documents to prove that a marine pollution prevention manager has been appointed; provided, however, that, in the event it is difficult to keep the proving document in the maritime facility, it can be kept in the owner’s office of the maritime facility.
(3) Necessary matters regarding qualification, work scope and observation items of a marine pollution prevention manager under the provision of Section (1) shall be kept, and description items, etc. shall be determined by Presidential Decree.

Part 4. Collection and Disposal of Pollutant Substances

Article 37 (Collection and Disposal of Pollutant Substances in Vessel and Maritime Facility)

(1) Owners of a vessel and maritime facility shall have a person, falling under any of the following Subsections, collect and dispose materials, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, among pollutant substances, which are generated from the vessel and maritime facility; provided, however, that, in the event of waste generated from a maritime facility located in land, it may choose to have a waste disposer under the provision of Article 25 of the Wastes Control Act collect and dispose it. <Amended by Act No. 8380 on Apr. 11, 2007; Act No. 8852 on Feb. 29, 2008>

1. A person who has installed and operated a pollutant substance storage facility under the provisions of Article 38(1); or

2. A person who has operated a fuel-tank cleaning business under the provisions of Subsection 3 of Article 70(1) (henceinafter referred to as the “fuel-tank cleaner”).

(2) Notwithstanding the provision of Section (1), where a fuel-tank cleaner has collected pollutant substances, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, among those generated from a vessel, a waste disposer can be made to dispose it. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 38 (Pollutant Substance Storage Facility)
(1) A sea area management agency shall install and operate a facility for storing pollutant substances, which are discharged from a vessel or maritime facility into the ocean, (hereinafter referred to as the “pollutant substance storage facility”).

(2) A sea area management agency shall prepare and manage a management book of pollutant substances, which are carried in and out the pollutant substance storage facility, (hereinafter referred to as the “pollutant substance management book”). In this case, necessary matters regarding the description items and record-keeping period of the pollutant substance storage facility shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) Detailed installation and operation criteria of a pollutant substance storage facility under the provisions of Section (1) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Part 5. Investigation of Residual Organic Pollution Material, Etc.

Article 39 (Investigation of Residual Organic Pollution Material, Etc.)

(1) The Minister shall measure and investigate, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, the pollution status and progressing situation, etc. of residual organic pollution materials. In this case, in the event of being acknowledged from the measurement and inspection result that there is a problem with the management of the marine environment, the Minister shall take measures such as a request for the prevention and restriction of using the residual organic pollution materials, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister may, in the event of performing measurement and inspection under the provisions of Section (1), request a relevant administrative agency to submit necessary
data as determined by Presidential Decree. In this case, the head of the relevant administrative agency shall follow the request unless there are special reasons not to. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) The Minister shall, in order to estimate the accuracy and unification in the measurement and inspection under the provision of Section (1), determine the process test criteria of residual organic pollution materials and give a notice of it to the people. In this case, the notified process test criteria shall be deemed as marine environment process test criteria under the provision of Article 10. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 40 (Prevention of Using Dangerous Antifouling Paints)

(1) Nobody shall use dangerous antifouling paints on a vessel or maritime facility, etc. or a facility which used such dangerous antifouling paints (hereinafter referred to as the “dangerous antifouling system”).

(2) A person shall, in the event of intending to use or install dangerous antifouling paints on a vessel or maritime facility, etc. or a facility which used the dangerous antifouling paints (hereinafter referred to as the “dangerous antifouling system”), comply with standards and methods as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

CHAPTER IV. REGULATION FOR PREVENTION OF AIR POLLUTION IN OCEAN

Article 41 (Installation of Facility for Prevention of Discharging Air Pollution Materials)
(1) An owner of vessel shall install a facility for preventing or reducing air pollution materials from the vessel (hereinafter referred to as the “air pollution prevention facility”) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The air pollution prevention facility installed under the provisions of Section (1) shall be maintained and operated according to the standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 42 (Regulation Against Discharge of Ozone Depletion Materials)**

(1) Nobody shall discharge ozone depletion materials from a vessel (including any discharge generated in the process of maintenance & repair of vessel or arrangement of equipment or facilities); provided, however, that the same shall not apply to leakage in the process of recovering the ozone depletion materials.

(2) An owner of a vessel shall not install a facility containing ozone depletion materials to the vessel.

(3) An owner of a vessel shall, in the event of removing a facility containing ozone depletion materials from the vessel, deliver the facility to an entity or group as designated and notified by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. In this case, the designated and notified entity or group shall have a recovery facility and accommodation facility conforming to standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 43 (Regulation Against Discharge of Nitrogen Oxide)**

(1) An owner of a vessel shall not operate a diesel engine, which falls under any of the following Subsections and exceeds the permissible emission standard of nitrogen oxide
under the provision of Article 76(1) of the Clean Air Conservation Act; provided, however, that the same shall not apply to the diesel engine installed in emergency-purpose vessels such as vessel for emergency and lifesaving, and a public vessel for the purpose of defense and public peace, such as warships and marine coast guard vessels, etc. <Amended on Apr. 27, 2007; Feb. 29, 2008>

1. A diesel engine of more than 367 kWh which is installed in a vessel navigating only in sea areas under the provision of Subsections 1 and 2 of Article 3(1) and a small diesel engine as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs; or

2. A diesel engine of more than 130 kWh which is installed in a vessel navigating in sea areas other than that under the provision of Subsections 1 and 2 of Article 3(1).

(2) Notwithstanding the provision of Section (1), where an exhaust gas purifying apparatus, etc. conforming to the standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs so that the emission amount can be reduced below the permissible emission standard for nitrogen oxide under the provisions of the main part other than each Subsection of Section (1), diesel engines can be employed. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 44 (Standard on Sulfur Content of Fuel Oil)**

(1) An owner of vessel shall not use fuel-oil, which exceeds the standard for sulfur content as determined by Presidential Decree, in sea areas excluding sulfur oxide emission-regulated sea area.

(2) An owner of a vessel shall not use fuel-oil, which exceeds the standard for sulfur content as determined by Presidential Decree, in sulfur oxide emission-regulated sea areas; provided, however, that, where an exhaust gas purifying apparatus conforming to the standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs is installed so that sulfur oxide emission amount can be reduced below the permissible emission standard for sulfur oxide as determined by the
Ordinance of the Ministry of Land, Transport and Maritime Affairs, the same shall not apply. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) An owner of vessel shall record, in the event of navigating in the emission-regulated sea areas of sulfur oxide, matters on the exchange of fuel-oil, etc., as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, to an engine logbook of the vessel. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) An owner of a vessel shall maintain an engine logbook under the provisions of Section (3) in the vessel for one year from the date when the fuel-oil was supplied.

Article 45 (Supply and Confirmation, Etc. of Fuel-Oil)

(1) A person falling under any of the following Subsections, who supply fuel-oil, (hereinafter referred to as the “vessel oil supplier”) shall not supply fuel-oil, which falls short of the quality standards of fuel-oil as determined by the Presidential Decree or exceeds sulfur content standards as prescribed by the provisions of Article 44 (1).

1. A person conducting the registration of vessel oil supply business under the provisions of Article 26 (3) of the Harbor Transport Business Act; or

2. Fishery Cooperatives to supply duty-free fuel-oil for fishing industry under the provisions of Article 106-2 of the Restriction of Special Taxation Act.

(2) A vessel oil supplier shall prepare a fuel-oil supply document, which records sulfur contents contained in fuel-oil, and provide the owner of the vessel with its copy as well as sample collected from the fuel-oil (hereinafter referred to as the “fuel-oil sample”); provided, however, that the same shall not apply to a vessel oil supplier to supply fuel-oil to a small vessel as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) A vessel oil supplier (excluding a vessel oil supplier under the proviso of Section (2)) shall keep the fuel-oil supply document under the provision of Section (2) for three
years in its main office, and an owner of the vessel shall keep a copy of the fuel-oil supply document for three years in the vessel.

(4) An owner of vessel shall keep fuel-oil sample for a period from a date when fuel-oil was supplied until the fuel-oil is consumed; provided, however, that, where the period is less than one year, it shall be one year.

(5) Necessary matters regarding the form of fuel-oil supply document and the management of fuel-oil sample, etc. shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(6) The Minister shall, where a foreign vessel oil supplier falls under any of the following Subsections, take necessary measures such as notification of the relevant facts to the relevant administrative agency of a country where the concerned vessel oil supplier is pertained. <Amended by Act No. 8852 on Feb. 29, 2008>

1. When fuel-oil falling short of the quality standard of fuel-oil or exceeding the sulfur content standards under the provision of Section (1) is supplied; or

2. When it is confirmed that fuel-oil different from contents recorded in the fuel-oil supply document is supplied.

**Article 46 (Prohibition of Incineration within Vessel, Etc.)**

(1) Nobody shall incinerate materials falling under any of the following Subsection within a vessel during the navigation or anchorage of the vessel; provided, however, that, in the event of incinerating materials of Subsection 5 in a vessel incineration facility as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, the same shall not apply. <Amended by Act No. 8852 on Feb. 29, 2008>

1. Residues of oil, dangerous liquid materials and packaged dangerous materials which are transported as a cargo, and packaging materials polluted by the material;
2. Poly biphenyl chloride;

3. Garbage containing heavy metals exceeding the standard amount, which is determined and notified by the Minister;

4. Purified petrochemicals containing halogen compounds;

5. Poly vinyl chloride; and


(2) An owner of a vessel intending to incinerate materials, which are generated during the navigation and anchorage of the vessel and as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, within the vessel, shall operate an incineration facility installed in the vessel (hereinafter referred to as the “vessel incineration facility”) in a method such as maintaining proper temperature, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, in order to prevent the discharge of air pollution materials. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) Notwithstanding Section (2), materials, which are generated during the navigation and anchorage of the vessel and as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, can be incinerated in the main engine and the supplementary engine or boiler of the vessel; provided, however, that the same shall not apply to a sea area such as a harbor or fishing port zone, etc. as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) The vessel incineration facility shall be maintained suitably to standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 47 (Regulation against Discharge of Volatile Organic Chemicals, Etc.)
(1) The Minister may designate a volatile organic chemical regulation harbor in order to regulate the discharge of volatile organic chemicals from vessels and make a public announcement of such. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) An owner of a maritime facility to install a facility for loading vessel materials, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, among oil and dangerous liquid materials containing volatile organic chemicals in a volatile organic chemical regulation harbor as designated under the provisions of Section (1) shall install and operate an oil mist emission controller. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) An owner of a vessel under the provisions of Section (2) shall, where an oil mist emission controller is installed, undergo an inspection of the Minister in advance as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs; provided, however, that, where it is filed to install a facility in which the installation permission of air pollutant substance emission facilities under the provisions of Article 23 (1) of the Clean Air Conservation Act is obtained or its installation is filed and the installation of volatile organic chemical discharge facilities under the provision of Article 44 (1) of the same Act is filed, the same shall not apply. <Amended by Act No. 8404 on Apr. 27, 2007; Act No. 8852 on Feb. 29, 2008>

(4) An owner of a maritime facility in which an oil mist emission controller is installed under the provisions of Section (2) shall keep a record on the operation of the oil mist emission controller for three years from the date when the facility began operation, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 48 (Application Exceptions)

Provisions of Articles 41 through 47 shall not apply to cases falling under any of the following Subsections. <Amended by Act No. 8852 on Feb. 29, 2008>
1. Where air pollutant substances are unavoidably discharged for the safety or lifesaving of a vessel and maritime facility;

2. Where air pollutant substances are unavoidably discharged because of damage, etc. of the vessel and maritime facility; or

3. Where air pollutant substances, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, are discharged in the process of investigation and excavation of submarine minerals.

CHAPTER V. INSPECTION OF VESSEL FOR PREVENTION OF MARINE POLLUTION, ETC.

Article 49 (Regular Inspection)

(1) An owner of vessel, in which waste pollution prevention facility, oil pollution prevention facility, and dangerous liquid material pollution prevention facility and air pollution prevention facility (hereinafter referred to as the “marine pollution prevention facility”) shall be installed or a ship under the provisions of Article 26 (2) and a cargo hold under the provisions of Article 27 (2) shall be installed and maintained (hereinafter referred to as the “inspection subject vessel”), shall, in the event of intending to install the marine pollution prevention facility, ship and cargo hold in the vessel and use them for navigation or expiring the effective period under the provisions of Article 56, undergo an inspection of the Minister (hereinafter referred to as the “regular inspection”) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister shall issue a marine pollution prevention inspection certificate, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, to a vessel which passed the regular inspection. <Amended by Act No. 8852 on Feb. 29, 2008>
Article 50 (Intermediate Inspection)

(1) An owner of a vessel subject to inspection shall under an intermediate inspection of the Minister (hereinafter referred to as the “intermediate inspection”) between a regular inspection and the following regular inspection as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister shall declare the inspection result on the marine pollution prevention inspection certificate of a vessel, which passed an intermediate inspection, under the provisions of Article 49 (2). <Amended by Act No. 8852 on Feb. 29, 2008>

(3) Detailed type of the intermediate inspection and its inspection items shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 51 (Temporary Inspection)

(1) An owner of an inspection subject vessel shall, in the event of intending to replace, remodel or repair marine pollution prevention facility, etc., undergo inspection by the Minister (hereinafter referred to as the “temporary inspection”) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister shall declare the inspection result on the marine pollution prevention inspection certificate of a vessel, which passed a temporary inspection, under the provisions of Article 49 (2). <Amended by Act No. 8852 on Feb. 29, 2008>

Article 52 (Temporary Navigation Inspection)
(1) An owner of an inspection subject vessel shall, in the event of intending to temporarily use the vessel in navigation before issuing and receiving the marine pollution prevention inspection certificate under the provision of Article 49 (2), undergo the inspection of the Minister on the concerned marine pollution prevention facility, etc. (hereinafter referred to as the “temporary navigation inspection”) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister shall issue a temporary marine pollution prevention inspection certificate to a vessel which passes the temporary navigation inspection as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 53 (Antifouling System Inspection)

(1) An owner of a vessel, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, shall, in the event of intending to install an antifouling system to the vessel under the provisions of Article 40 (2) and use it in the navigation, undergo the inspection of the Minister (hereinafter referred to as the “antifouling system inspection”) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister shall issue an antifouling system inspection certificate, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, to a vessel which passes the antifouling system inspection. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) An owner of vessel under the provisions of Section (1) shall, in the event of intending to change or replace the antifouling system, undergo the inspection of the Minister (hereinafter referred to as the “temporary antifouling system inspection”) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>
(4) The Minister shall declare the inspection result on the antifouling system inspection certificate of a vessel, which passed a temporary antifouling system inspection, according to the provisions of Section (2). <Amended by Act No. 8852 on Feb. 29, 2008>

Article 54 (Preliminary Inspection of Air Pollution Prevention Facility, Etc.)

(1) A person who intends to manufacture, remodel, repair or import an air pollution prevention facility as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs may undergo the inspection of the Minister (hereinafter referred to as the “preliminary inspection”) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister shall issue a preliminary inspection certificate, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, to the air pollution prevention facility which passed a preliminary inspection. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) Whole of part of regular inspection, intermediate inspection, temporary inspection, and temporary navigation inspection for an air pollution prevention facility, which passed a preliminary inspection, under the provisions of Articles 49 through 52 as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs may be omitted. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) Necessary matters regarding inspection items, etc. of the preliminary inspection shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 55 (Issuance of Agreement Inspection Certificate, Etc.)

(1) The Minister shall, where an owner or captain of a vessel which passed regular inspection, intermediate inspection, temporary inspection, temporary navigation
inspection, and antifouling system inspection (hereinafter referred to as the “marine
pollution prevention vessel inspection”) applies for issuance of an inspection
certificate in accordance with international agreements on marine pollution prevention
in order to use the vessel in international navigation, issue an agreement inspection
certificate as determined by the Ordinance of the Ministry of Land, Transport and

(2) An owner or captain of a vessel shall, in the event of intending to issue and receive
directly the agreement inspection certificate from foreign governments which is a party
of the international agreement (hereinafter referred to as the “agreement party
country”), apply it through Korean consulate of the respective foreign country.

(3) The Minister shall, in the event of applying for the issuance of an agreement
inspection certificate to the vessel of the concerned country from the government of an
agreement party country, perform a marine pollution prevention vessel inspection to
the respective vessel, and may issue an agreement inspection certificate to the owner or
captain of the vessel concerned. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) The agreement inspection certificate issued under the provisions of Sections (1)
through (3) shall be deemed as having the same validity as those of the marine
pollution prevention inspection certificates and antifouling system inspection
certificates.

Article 56 (Effective Period of Marine Pollution Prevention Inspection Certificate, Etc.)

(1) The effective period of a marine pollution prevention inspection certificate and
agreement inspection certificate (excluding an antifouling system inspection
certificate) shall be five years.

(2) The Minister may extend the effective period of a marine pollution prevention
inspection certificate and an agreement inspection certificate within the scope of the
period as determined by the Ordinance of the Ministry of Land, Transport and
(3) The effective period of a marine pollution prevention inspection certificate and agreement inspection certificate for a vessel which does not pass an intermediate inspection or temporary inspection shall be suspended until the relevant inspection is passed.

(4) Criteria and method to calculate the effective period under the provisions of Section (1) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 57 (Navigation of Vessel for which Marine Pollution Prevention Inspection Certificate Is Not Issued, Etc.)

(1) An owner of a vessel shall not use an inspection subject vessel, for which a marine pollution prevention inspection certificate, temporary marine pollution prevention inspection certificate or an antifouling system inspection certificate is issued, in the navigation; provided, however, that the same shall not apply to the navigation for undergoing a marine pollution prevention vessel inspection or vessel inspection under the provisions of Articles 7 through 12 of the vessel Safety Act.

(2) An owner of vessel shall not use a vessel, for which an agreement inspection certificate is issued, in international navigation.

(3) An owner of a vessel shall not use the vessel in navigation (including the international navigation) in a method not suitable to conditions stated in the marine pollution prevention inspection certificate, temporary marine pollution prevention inspection certificate, antifouling system inspection certificate and an agreement inspection certificate (hereinafter referred to as the “marine pollution prevention inspection certificate, etc.”); provided, however, that the same shall not apply to navigation for undergoing a marine pollution prevention vessel inspection or vessel inspection under the provisions of Articles 7 through 12 of the vessel Safety Act.
(4) An owner of a vessel, for which marine pollution prevention inspection certificate, etc. are issued, shall keep the marine pollution prevention inspection certificate, etc. in the vessel.

Article 58 (Measures against Unsuitable Vessel)

(1) The Minister may, where it is acknowledged that marine pollution prevention facility, etc. and antifouling systems are not in accordance to the installation standards or technology standards, etc. under the provisions of Articles 25 (1), 26 (1) and (2), 27 (1) and (2), 40 (2) and 41 (1), order an owner of a vessel to replace, remodel, change and repair the marine pollution prevention facility, etc. and antifouling system and take other measures. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister may, in the event it is acknowledged that an owner of vessel does not execute without justifiable reason orders under the provision of Section (1) and continues to use the vessel in navigation so as to negatively affect the conservation and management of marine environments, take action such as suspension of navigation against the vessel. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 59 (Port State Control for Marine Pollution Prevention)

(1) The Minister may, where it is acknowledged that marine pollution prevention facility, etc. and antifouling system installed in a foreign vessel which are ported in s Korean harbor, port or coast are not suitable to technology standards according to the international agreement on marine pollution prevention, order the captain of the vessel to replace, remodel, change and repair the marine pollution prevention facility, etc. and antifouling system and take other measures (hereinafter referred to as the “port state control”). <Amended by Act No. 8852 on Feb. 29, 2008>

(2) Articles 68 through 70 of the Vessel Safety Act shall apply mutatis mutandis to procedures necessary for execution of port state control. <Amended by Act No. 8852 on Feb. 29, 2008>
Article 60 (Reinspection)

(1) A person who has undergone marine pollution prevention inspection and preliminary inspection may apply, where he/she has any claims against the inspection result, to the Minister for reinspection with reasons thereof within ninety days from the date when he/she was notified of its result. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister which received the application for reinspection under the provisions of Section (1) shall have its public personnel perform the reinspection and notify the applicant of the result within sixty days; provided, however, that, in the event of unavoidable circumstances, the notification period may be extended within the scope of thirty days. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) A person who has claims against marine pollution prevention inspection and preliminary inspection shall not file an administrative litigation without taking the procedures of reinspection under the provisions of Sections (1) and (2); provided, however, that the same shall not apply to cases under the provisions of Articles 18 (2) and (3) of the Administrative Litigation Act. <Amended by Act No. 8852 on Feb. 29, 2008>

CHAPTER VI. MEASURES AGAINST MARINE POLLUTION PREVENTION

Article 61 (Establishment and Enforcement of National Contingency Plan)

(1) The Commissioner of the Korean Coast Guard shall establish and enforce a national contingency plan on the advanced protection and prevention of marine pollution as determined by Presidential Decree against cases in which pollutant substances as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs may be discharged or is discharged to the ocean. In this case, the Commissioner of the
Korean Coast Guard shall hear the opinion of the Minister in advance. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The national contingency plan shall be decided through deliberation of a marine and fisheries development committee under the provisions of Article 7 of the Framework Act. <Amended by Act No. 9454 on Feb. 6, 2009>

Article 62 (Installation of Prevention Center, Etc.)

(1) In order to perform emergency prevention and other necessary measures in response to marine pollution accidents, a prevention center may be installed in the Korean Coast Guard and local prevention centers in the marine police station.

(2) The Commissioner of Korean Coast Guard shall report measures of the prevention center and local prevention centers installed under the provisions of Section (1) and their results to the Minister as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) Necessary matters regarding the organization and operation of the prevention center and local prevention centers installed under the provisions of Section (1) shall be determined by Presidential Decree.

Article 63 (Report Obligation where Pollutant Substances are Discharged)

(1) Where it is expected that pollutant substances which exceeds the emission criteria as determined by Presidential Decree are discharged or may be discharged, a person falling under any of the following Subsections shall report such to the Commissioner of the Korean Coast guard or the head of the marine police station without delay.

1. A captain of a vessel or manager of a maritime facility, in which pollutant substances discharged or which may be discharged are loaded. In this case, the same shall not
apply to the case in which a person who has conducted acts to be a discharging cause of pollutant substances in the vessel or maritime facility makes a report of it;

2. A person who has conducted acts to be a discharging cause of pollutant substance; or

3. A person who has found the discharged pollutant substances.

(2) Necessary matters regarding reporting procedures and reporting items under the provisions of Section (1) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 64 (Prevention Measures Where Pollutant Substances are Discharged)

(1) A person falling under Subsections (1) and (2) of Article 63 (1) (hereinafter referred to as the “prevention obligor”) shall take measures falling under any of the following Subsections (hereinafter referred to as the “prevention measure”) against the discharged pollutant substances as determined by Presidential Decree.

1. Discharge prevention of pollutant substances;

2. Dispersion prevention and removal of discharged pollutant substances; or

3. Collection and disposal of discharged pollutant substances.

(2) Where pollutant substances are discharged from a vessel ported in a sea area within or adjacent to the harbor, a person falling under any of the following Subsections shall positively cooperate with the measures of the prevention obligor.

1. A person who has dispatched pollutant substances where the harbor is to load the discharged pollutant substances;

2. A person who has received pollutant substances where the harbor is to unload the discharged pollutant substances;
3. A manager of a mooring facility where the discharge of pollutant substances occurs in the mooring of a vessel; or

4. Other persons who have conducted acts related to the discharging cause of pollutant substances.

(3) Where a prevention obligor has not conducted voluntarily a prevention measure, the Commissioner of the Korean Coast Guard may order the person who has taken a prevention measure within a fixed period.

(4) Where a prevention obligor does not comply with an order of taking prevention measures under the provision of Section (3), the Commissioner of the Korean Coast Guard may arbitrarily take prevention measures. In this case, expenses required for the prevention measure shall be borne by the prevention obligor as determined by Presidential Decree.

(5) Provisions of Articles 5 and 6 of the Administrative Vicarious Execution Act shall apply mutatis mutandis to the collection of expenses required for direct prevention measures under the provisions of Section (4).

**Article 65 (Measures Where Pollutant substances may be Discharged)**

(1) Where pollutant substances may be discharged from a vessel or maritime facility due to stranding, collision, sinking, fire, etc. of a vessel or maritime facility, an owner or captain of a vessel and an owner of a maritime facility shall take measures for preventing the discharge of pollutant substances as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) Provision of Article 64(3) and (4) shall apply mutatis mutandis to measures for preventing the discharge of pollutant substances under the provisions of Section (1). In this case, a “prevention obligor” shall be deemed as “an owner or captain of a vessel and an owner of a maritime facility”.
Article 66 (Provision, Etc. of Materials and Chemicals)

(1) A sea area management agency and an owner of a vessel or maritime facility shall provided and store materials and chemicals to use for the control and prevention of pollutant substances in disposal facility and vessel or maritime facility under the provision of Article 24 (3), and shall install and operate independently a storage facility necessary for the provision and storage of materials and chemicals.

(2) Materials and chemicals to provide and store under the provision of Section (1) shall be those of which the type approval, verification and authorization shall be obtained under the provision of Article 110(4), (6) and (7).

(3) Necessary matters regarding type, amount and provision methods of materials and chemicals and standards of storage facility, which shall be independently installed, etc. shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 67 (Arrangement of Prevention Ship, Etc.)

(1) An owner of a vessel or maritime facility falling under any of the following Subsections shall, in order to prepare against marine oil leak accidents, arrange or install a prevention ship or prevention equipment (hereinafter referred to as the “prevention ship, etc.”) according to the criteria as determined by Presidential Decree in a sea area as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

1. A tanker of which total tonnage is not less than 500 tons;

2. A vessel of which total tonnage is not less than 10,000 tons (limited to vessel excluding tankers); or
3. Oil storage facility as a reported to the maritime facility whose storage capacity is not less than 10,000 kiloliters.

(2) A person who shall arrange or install the prevention ship, etc. (hereinafter referred to as the “arrangement obligor”) under the provisions of Section (1) may arrange and install jointly the prevention ship, etc. as determined by Presidential Decree or entrust them to the Korea Marine Environment Management corporation under the provisions of Article 96 (1).

(3) The Commissioner of the Korean Coast Guard may order a person who does not arrange or install the prevention ship, etc. to prohibit entry into or departure from a port or to suspend the use of facility.

(4) The Commissioner of the Korean Coast Guard shall, where pollutant substances are discharged or may be discharged from a vessel or maritime facility under the provisions of Section (1), have the arrangement obligor take any preventive measure or emission prevention measure under the provisions of Article 65. In this case, when arranging and installing jointly the prevention ship, etc. or entrusting them to the Korea Marine Environment Management Corporation under the provisions of Section (2), the arrangement obligor shall have a person of joint arrangement and installation or the Korea Marine Environment Management Corporation take jointly preventive measures or emission prevention measures.

Article 68 (Preventive Measure of Administrative Agency and Expense Sharing)

(1) The Commissioner of the Korean Coast Guard shall, where it is acknowledged to be difficult to prevent with only the preventive measures of a prevention obligor or to require emergency prevention, take any necessary preventive measures; provided, however, that, in the event of oil stickled to gravel or sand, etc. of seashores, the head of the City/Gun/Gu (referring to the head of self-governing Gu; hereinafter, the same shall apply) to have jurisdiction over the seashore shall take necessary measures, and in the event of a seashore where a facility such as military facility, etc. as determined
by Presidential Decree is installed, the head of the administrative agency to manage the facility shall take the necessary measures.

(2) Expenses required for preventive measures under the provisions of Section (1) may be borne by an owner of a vessel or maritime facility as determined by Presidential Decree; provided, however, that the same shall not apply to the case such as natural disasters, unforeseen accident, etc. as determined by Presidential Decree.

(3) Article 5 and 6 of the Administrative Vicarious Execution Act shall apply *mutatis mutandis* to the collection of expenses to be borne under the provisions of Section (2).

**Article 69 (Prevention Share)**

(1) An arrangement obligor shall pay the prevention share required for marine pollution prevention measures such as preventive measures and emission preventive measures against oil spill accidents.

(2) A prevention share under the provisions of Section (1) shall be utilized for the business under the provisions of Subsection 3 of Article 97 (1).

(3) A prevention share under the provisions of Section (1) shall be paid to the Korea Marine Environment Management Corporation under the provisions of Article 96 (1), and necessary matters regarding the imposition criteria and imposition procedures of the prevention shares under the provisions of Sections (1) and (2) shall be determined by Presidential Decree.

**CHAPTER VII.  MARINE ENVIRONMENT MANAGEMENT BUSINESS, ETC.**

**Article 70 (Marine Environment Management Business)**
(1) A person who has operated any business falling under any of the following Subsections (hereinafter referred to as the “marine environment management business”) shall register its business to the Minister or Commissioner of the Korean Coast Guard as determined by Presidential Decree. <Amended by Act No. 8852 on Feb. 29, 2008>

1. Waste marine discharging business: a business which has a vessel, facility and equipment necessary for ocean dumping and dumps waste in the ocean;

2. Marine pollution prevention business: a business which has facility and equipment necessary for the prevention of pollutant substances and prevents pollutant substances which was discharged or may be discharged in the ocean;

3. Fuel-tank cleaning business: a business which has facility and equipment necessary for the collection of pollutant substances, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, generated from vessel fuel-tank cleaning and cleans the vessel fuel-tank or collects pollutant substances;

4. Waste marine collection business: a business which has a vessel, equipment and facility necessary for the collection of waste floating on or accumulated in the ocean and collects waste; and

5. Accumulated pollutant substance collection business: a business which has a vessel, equipment and facility necessary for dredging and collection of accumulated pollutant substances and dredges or collects the accumulated pollution substances.

(2) A person intending to register a marine environment management business shall have the technological capacity of relevant fields as determined by Presidential Decree, and shall have a vessel, equipment and facility, etc. as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) A person registered as a marine environment management business under the provisions of Section (1) (hereinafter referred to as the “marine environment manager”) shall, in the event of altering important items, as determined by the
Ordinance of the Ministry of Land, Transport and Maritime Affairs, among the registered items, make an alteration registration as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 71 (Disqualification)**

No person who falls under any of the following Subsections shall register a marine environment management business:

1. An incompetent person and a quasi-incompetent person;

2. A person who is declared bankrupt but has not been reinstated;

3. A person for whom one year has not passed since imprisonment as sentenced by a court, (including such cases where it is deemed to have been executed) and the sentence execution has been terminated or sentence execution has been decided to be exempted;

4. A person for whom one year has not passed since a registration for a marine environment management business has been revoked; and

5. A corporation of which a representative falls under any of the subsections 1 through 4.

**Article 72 (Obligation of Marine Environment Manager)**

(1) A marine environment manager shall prepare a disposal result record regarding ocean dumping of waste, prevention of pollutant substances, cleaning and collection of pollutant substances, collection of floated and accumulated waste and dredging and collection of pollutant substances, etc., and submit it to the Minister or Commissioner of the Korea Coast Guard, and prepare a disposal book and keep it in the vessel or facility. <Amended by Act No. 8852 on Feb. 29, 2008>
(2) A marine environment manager shall, in the event of collecting pollutant substances from a vessel or maritime facility, etc., prepare a pollutant substance collection confirmation deed, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, and issue it to the relevant consignor of pollutant substances. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) A waste marine discharger shall store and manage wastes, which are the substance of ocean dumping, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, and prepare a waste transfer and acceptance deed, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, and submit it to the Minister. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) Necessary matters regarding preparation method, keeping period, etc. of a disposal result record or disposal book, pollutant substance collection confirmation deed and waste transfer and acceptance deeds under the provisions of Sections (1) through (3) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 73 (Disposal Order of Entrusted Wasted, Etc.)

The Minister or Commissioner of the Korean Coast Guard may, where a marine environment manager (including suspension or discontinuance of a business) does not dispose or abandons pollutant substances to be a target of disposal such as waste of which disposal is entrusted, order a marine environment manager (including suspension or discontinuance of a business) to conduct proper disposal as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 74 (Succession of Marine Environment Management Business, Etc.)

(1) Where a marine environment manager transfers its business or is deceased or a corporation is merged, a transferee or successor of the business or a corporation
surviving after the merger or a corporation established by the merger shall succeed its rights and obligations.

(2) A person who has taken over the whole of facility equipment of an environment manager by auction under the Civil Enforcement Act, conversion under the Act on Rehabilitation and Bankruptcy of Debtor, and sale of attached property or equivalent procedures under the National Tax Collection Act, the Customs Act or the Local Tax Act shall succeed its rights and obligations.

(3) A person who has succeeded the rights and obligations of a marine environment manager under the provisions of Sections (1) and (2) shall file its succession to the Minister or Commissioner of the Korean Coast Guard within one month as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) Provision of Article 71 shall apply mutatis mutandis to the succession under the provisions of Sections (1) and (2).

Article 75 (Cancellation, Etc. of Registration)

(1) Where a marine environment manager falls under any of the following Subsections, the Minister or the Commissioner of the Korean Coast Guard may cancel its registration or order to suspend its business within a fixed period of six months; provided, however, that, in the event of falling under any of Subsections 1 through 4, its registration shall be cancelled. <Amended by Act No. 8852 on Feb. 29, 2008>

1. In the event of falling under any of the Subsections of Article 71; provided, however, that, where any director of a corporation is a person falling under any of Subsections 1 through 4 of Article 71 and changed with another person within six months, the same shall not apply;

2. In the event of making a registration or alteration registration using fraudulent or unlawful means;
3. In the event of receiving an order for suspension of business more than twice a year;

4. Where a business is being operated during a period of business suspension;

5. Where registered matters are not performed without justifiable reasons;

6. In the event of violating obligations under the provision of Article 72;

7. In the event of not complying with or rejecting an order under the provision of Article 73; or

8. Where a business is not commenced within one year after registration or there is no business result for over one year.

(2) Detailed standard of administrative disposition under the provision of Section (1) shall be determined by taking into consideration the type and degree of its violation according to the Ordinance of the Ministry of Land, Transport and Maritime Affairs.  
<Amended by Act No. 8852 on Feb. 29, 2008>

Article 76 (Obligation, Etc. of Waste Consignor)

(1) A person who intends to entrust and dispose wastes to a marine waste dumping business operator shall file its business to the Minister as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. In this case, the same shall apply to the case in which important matters, as designated by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, among filed matters are intended to be changed.  
<Amended by Act No. 8852 on Feb. 29, 2008>

(2) A person who filed the entrustment and disposal of waste (hereinafter referred to as the “waste consignor”) under the provisions of Section (1) shall measure components, concentration, weight and volume of waste which is intended to entrust and dispose as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, and shall entrust and dispose in accordance with the disposal criteria and method as
determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.  
<Amended by Act No. 8852 on Feb. 29, 2008>

(3) The waster consignor may have a person having a measurement capacity of wastes as determined by Presidential Decree vicariously execute affairs pertaining to the component, concentration, weight, and volume of wastes under the provisions of Section (2).

CHAPTER VIII. MARINE POLLUTION EFFECT INVESTIGATION

Article 77 (Marine Pollution Effect Investigation)

(1) Where pollutant substances exceeding the scale as determined by Presidential Decree is discharged from a vessel or maritime facility to the ocean, an owner of the vessel or maritime facility shall execute marine pollution effect investigation through a marine pollution effect investigation institution.

(2) The marine pollution effect investigation institution under the provisions of Section (1) shall be designated by the Minister and notified to the public. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) Where a person who has conducted the marine pollution effect investigation under the provisions of Section (1) does not perform it within a period as determined by Presidential Decree or it is acknowledged to be necessary for an emergency investigation as determined by Presidential Decree, the Minister may select separately an investigation institution to execute the investigation. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) The Minister shall, in the event of executing a separate marine pollution effect investigation under the provisions of Section (3), undergo deliberation of a marine and fisheries development committee under the provisions of Article 7 of the Framework Act on Marine and Fisheries Development as determined by the Ordinance of the
Article 78 (Field and Item of Marine Pollution Effect Investigation)

A marine pollution effect investigation shall be performed on the field of natural environment, society, and economic environment, etc. to be affected negatively by pollutant substances, and detailed items by field shall be determined by Presidential Decree.

Article 79 (Collection of Resident’s Opinion)

(1) A marine pollution effect investigation institution shall hold in advance a presentation or hearing in the preparation of an investigation report on marine pollution effect (hereinafter referred to as the “marine pollution effect investigation report”) to collect the opinions of residents and include it in the marine pollution effect investigation report.

(2) The marine pollution effect investigation institution shall, in the event of collecting opinions of residents under the provisions of Section (1), prepare a draft marine pollution effect investigation report and have the residents confirm it.

Article 80 (Expense of Investigation)

(1) Expenses required for marine pollution effect investigation under the provisions of Article 77 (1) and (3) shall be borne by an owner of a vessel or maritime facility to cause marine pollution accident as determined by Presidential Decree; provided, however, that the same shall not apply to natural disasters or other reasons as determined by Presidential Decree.
(2) Collection of expenses required for marine pollution effect investigation under the provisions of Article 77 (3) shall be made in accordance with the examples of disposition on the national taxes in arrears.

Article 81 (Disqualification of Investigation Institution)

No person falling under any of the following Subsections shall be designated as a marine pollution effect investigation institution:

1. An incompetent person and a quasi-incompetent person;

2. A person who is declared bankrupt but has not been reinstated;

3. A person for whom two years have not passed since the designation of a marine pollution effect investigation institution is cancelled;

4. A person for whom two years have not passed since imprisonment in violation of this Act or the Water Quality Conservation Act, and Clean Air Conservation Act as sentenced by a court, (including such cases where it is deemed to have been executed) and the sentence execution has been terminated or sentence execution has been decided to be exempted; and

5. A corporation of which a representative falls under any of subsections 1 through 4.

Article 82 (Cancellation, Etc. of Investigation Institution)

(1) Where a marine pollution effect investigation institution falls under any of the following Subsection, the Minister may cancel its designation or order to suspend its business within a fixed of one year; provided, however, that, in the event of falling under any of the Subsections 1 through 4, its designation shall be cancelled. <Amended by Act No. 8852 on Feb. 29, 2008>

1. In the event of receiving a designation using fraudulent or unlawful means;
2. In the event of falling short of designation standards under the provision of Article 77 (2);

3. In the event of falling under any of the following Subsections of Article 81; provided, however, that, where a representative of a corporation falls under any of the Subsections 1 through 4 of Article 81 and is replaced within six months, the same shall not apply;

4. In the event of punishing a business suspension disposal not less than twice a year;

5. In the event of leasing a right of designation institution to other persons or subcontracting in a lump the contracted marine pollution effect investigation;

6. In the event of violating obligations under the provisions of Article 72; and

7. In the event of performing unreliably a marine pollution effect investigation in a negligent or willful conduct.

(2) Detailed standard of administrative disposal under the provisions of Section (1) shall, in consideration of type and degree of violation act, be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 83 (Business Continuation of Marine Pollution Effect Investigation Institution of Which Designation is Cancelled or Business is Suspended)**

(1) A marine pollution effect investigation institution of which designation is cancelled or business is suspended under the provisions of Article 82 may continue a marine pollution effect investigation entered into before such disposal.

(2) The marine pollution effect investigation institution which is continuing the effect investigation under the provisions of Section (1) shall be deemed as a marine pollution effect investigation institution under this Act until its business is completed.
CHAPTER IX.  SEA AREA UTILIZATION CONFERENCE

Article 84 (Sea Area Utilization Conference)

(1) The head of an administrative agency (hereinafter referred to as the “disposal agency”) which intends to license, permit or designate (hereinafter referred to as the “license, etc.”) falling under any of the following Subsections shall have in advance a conference on the appropriateness of sea area utilization and the effect on sea area environments (hereinafter referred to as the “sea area conference”) with the Minister. In this case, a sea area utilization effect assessment subject business under the provision of Article 85 (1) shall be deemed to have a sea area utilization conference.

<Amended by Act No. 8852 on Feb. 29, 2008>

1. Permission of occupation and use of public waters under the provisions of Article 5 of the Public Waters Management Act; provided, however, that the permission of marine aggregate collection and the permission of occupation and use of public waters depending on the designation of marine aggregate complex under the provisions of Subsections 5 and 6 shall be excluded;

2. License of public waters reclamation under the provisions of Article 9 of the Public Waters Reclamation Act;

3. License of fishery business under the provisions of Article 9 of the Fisheries Act; provided, however, that the shall apply only to license of fishery business in a sea area as determined by Presidential Decree;

4. Designation of marine aggregate collection reserve area under the provisions of Article 21 (2) of the Aggregate Collection Act;

5. Permission of marine aggregate collection under the provisions of Article 22 of the Aggregate Collection Act; or
6. 4. Designation of marine aggregate collection complex under the provisions of Article 34 of the Aggregate Collection Act.

(2) Regardless of the permission of occupation and use of public waters under the provisions of the Public Waters Management Act or the license of public waters reclamation under the provisions of the Public Waters Reclamation Act shall be deemed to have in the application of the provisions of Subsections 1 and 2 of Section (1), the procedure of a sea area utilization conference shall be followed; provided, however, that the same shall not apply to the case related to projects falling under any of the following Subsections. <Amended by Act No. 8852 on Feb. 29, 2008>

1. A project for emergency aid under the provision of Article 37 of the Framework Act on Disaster and Safety Management; or

2. A project designated and notified by the Minister, in which the Minister of Defense acknowledges that it is necessary for protection of military secrets or urgent performance of military operations after consulting with the Minister.

(3) The disposal agency shall, when intending to have a sea area utilization conference with the Minister, submit a sea area utilization agreement, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, to the Minister. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) The disposal agency may receive a separate sea area utilization agreement from a person who intends to perform a subject business of license, etc. subject to the sea area utilization conference under the provisions of Section (1) (hereinafter referred to as the “license subject business”) and submit it in replacement with the sea area utilization agreement under the provisions of Section (1).

(5) Necessary matters regarding the timing of a sea area utilization conference and the preparation method of a sea area utilization agreement under the provisions of Sections (3) and (4), etc. shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>
Article 85 (Sea Area Utilization Effect Assessment)

(1) The disposal agency shall, where acts falling under any of the following Subsections among the license subject projects is not less than the scale as determined by Presidential Decree when having a sea area utilization conference with the Minister under the provisions of Article 84, request the Minister to evaluate the effect on marine environment (hereinafter referred to as the “sea area utilization effect assessment”) by the act; provided, however, that a project as determined by Presidential Decree among the environment effect assessment subject projects under the provisions of Article 4 (3) of the Environmental Impact Assessment Act shall be excluded. <Amended by Act No. 8852 on Feb. 29, 2008; Act No. 9037 on Mar. 28, 2008>

1. Ocean dumping of dredged soils among acts under the provisions of Subsection 7 of Article 5 (1) of the Public Waters Management Act;

2. Utilization and development of marine resources among acts under the provisions of Subsection 9 of Article 5 (1) of the Public Waters Management Act;

3. Marine aggregate collection among aggregate collection under the provisions of Article 22 of the Aggregate Collection Act; or

4. Designation of marine aggregate collection complex under the provisions of Article 34 of the Aggregate Collection Act

(2) The disposal agency shall, in the event of requesting the Minister for a sea area utilization assessment, submit a sea area utilization assessment report prepared by a person who has operated a license subject project (hereinafter referred to as the “assessment subject operator”) subject to a sea area utilization effect assessment under the provisions of each Subsection of Section (1) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) The assessment subject operator shall, in the event of preparing a sea area utilization assessment report under the provisions of Section (2), hold a presentation or hearing, etc. as determined by the Ordinance of the Ministry of Land, Transport and Maritime
Affairs, and take necessary procedures such as collection of the opinions of interested persons. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) The assessment subject operator may have an assessment agent under the provisions of Article 86 (1) vicariously execute the preparation of a sea area utilization assessment report under the provisions of Section (2).


**Article 86 (Registration of Assessment Agent)**

(1) A person who has operated a business which vicariously executes the preparation of a sea area utilization assessment report under the provisions of Article 85 (4) shall have technology capacity, facilities and equipment, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, and register it to the Minister as determined by Presidential Decree. In this case, the same shall apply to the case in which a person who has registered the business which vicariously executes the preparation of a sea area utilization assessment report (hereinafter referred to as the “assessment agent”) intends to alter important matters, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, among the registered matters. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) Necessary matters regarding the registration procedure and registration certificate of an assessment agent, etc. shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 87 (Disqualification)**

No person falling under any of the following Subsections shall be registered as an assessment agent:
1. An incompetent person and a quasi-incompetent person;

2. A person who is declared bankrupt but has not been reinstated;

3. A person for whom two years have not passed since the registration of an assessment agent is cancelled;

4. A person for whom two years have not passed since imprisonment in violation of this Act or the Water Quality Conservation Act and Clean Air Conservation Act as sentenced by a court, (including such cases where it is deemed to have been executed) and the sentence execution has been terminated or sentence execution has been decided to be exempted; and

5. A corporation of which a representative falls under any of subsections 1 through 4.

**Article 88 (Observation Matters of Sea Area Utilization Operator)**

A sea area utilization operator or assessment agent shall observe matters falling under any of the following Subsections as determined by Presidential Decree. <Amended by Act No. 8852 on Feb. 29, 2008>:

1. Not to copy the contents of other sea area utilization assessment report, etc.;

2. To keep the prepared sea area utilization assessment report during a period as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs;

3. Not to prepare data, which is based on the preparation of a sea area utilization assessment report, etc., using fraudulent means;

4. Not to rent a registration certificate or its title to other person; and

5. Not to subcontract in a lump the affairs of the contracted sea area utilization effect assessment.
Article 89 (Cancellation, Etc. of Registration of Assessment Agent)

(1) Where an assessment agent falls under any of the following Subsection, the Minister may cancel its registration or order suspension of its business within a fixed period of six months; provided, however, that, in the event of falling under any of the Subsections 1 through 5, its registration shall be cancelled. <Amended by Act No. 8852 on Feb. 29, 2008>

1. In the event of making a registration or alteration registration using fraudulent or unlawful means;

2. In the event of falling short of technology capacity, facilities and equipment under the provisions of Article 86 (1);

3. In the event of falling under any of the following Subsections of Article 87; provided, however, that, where a representative of a corporation falls under any of the Subsections 1 through 4 of Article 87 and is replaced within six months, the same shall not apply;

4. Where affairs of a sea area utilization effect assessment is not commenced within two years after registration or there is no performance results of a sea area utilization effect assessment for not less than two years;

5. In the event of punishing a business suspension disposal not less than twice a year and committing again an act corresponding to the business suspension disposal;

6. In the event of violating obligations under the provisions of Article 88;

7. In the event of preparing a sea area pollution effect assessment report using fraudulent means or preparing unreliably a sea area pollution effect assessment report intentionally or by gross negligence.

(2) Detailed standard of administrative disposal under the provision of Section (1) shall, in consideration of the type and degree of the violation, be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>
Article 90 (Continuation of Business of Which Registration is Cancelled or Business Suspended)

(1) An assessment agent who receives the disposition of registration cancellation or business suspension under the provisions of Article 89 may continue to only affairs related to the preparation of a sea area utilization effect assessment report entered into prior to the disposition. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The assessment agent to continue the affairs of vicarious preparation execution of the sea area utilization effect assessment report under the provisions of Section (1) shall be deemed as an assessment under this Act until the affairs are completed.

Article 91 (Notification of Opinion, Etc.)

(1) The Minister shall, where a sea area utilization conference or sea area utilization effect assessment (hereinafter referred to as the “sea area utilization conference, etc.”) is requested, review the received sea area utilization agreement or sea area utilization effect assessment report and notify its opinion as determined by Presidential Decree. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister shall hear the opinions of an effect review institution under a sea area utilization conference, etc. as determined by Presidential Decree (hereinafter referred to as the “sea area utilization effect review institution”) before notifying the opinions of a sea area utilization conference, etc. under the provisions of Section (1). <Amended by Act No. 8852 on Feb. 29, 2008>

(3) Where the concerned marine aggregate collection reserved area and marine aggregate collection complex includes seashores (referring to an area within one kilometer from seashore line to land and a zone within ten kilometers to the ocean), the Minister shall hear in advance the opinion of the Minister of Environment. <Amended by Act No. 8852 on Feb. 29, 2008>
Article 92 (Formal Objection)

(1) In the event of having an objection against opinions notified from the Minister under the provisions of Article 91, a sea area utilization operator assessment subject operator (hereinafter referred to as the “sea area utilization operator, etc.”) or disposal agency may make a formal objection to the Minister within ninety days as determined by Presidential Decree. In this case, the sea area utilization operator, etc. shall make a formal objection via disposal agency. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister which receives a formal objection under the provisions of Section (1) shall review the appropriateness of the formal objection and notify the person who makes a formal objection within sixty days of its results as determined by Presidential Decree; provided, however, that, in the event of unavoidable situation, the period for notification may be extended within the scope of thirty days. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 93 (After-Management)

(1) Where a disposal agency grants licenses, etc. not passing through a sea area utilization conference, etc. or not reflecting the opinions of the sea area utilization conference, etc., the Minister may request the concerned administrative agency to take necessary measures such as cancellation of the license, etc., suspension of business, removal, operation suspension and restoration of a structure. In this case, the concerned disposal agency shall follow the request unless there are special reasons not to. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) A disposal agency shall confirm whether a sea area utilization operator, etc. performs the opinions of the Minister on the sea area utilization conference, etc. and, where the
sea area utilization operator, etc. does not perform it, shall order to take measures necessary for the performance as determined by Presidential Decree. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 94 (Sea Area Utilization Conference, Etc. According To Change of Business Plan)

(1) In the event of changing a business plan after obtaining licenses, etc. from a disposal agency, a sea area utilization operator, etc. shall pass again through the procedure of a sea area utilization conference or sea area utilization effect assessment.

(2) Articles 84, 85 and 91 through 93 shall apply mutatis mutandis to the contents and procedures of the sea area utilization conference or sea area utilization effect assessment under the provisions of Section (1).

Article 95 (Marine Environment Effect Investigation, Etc.)

(1) A sea area utilization operator, etc. shall conduct an investigation on the effects on marine environment (hereinafter referred to as the “marine environment effect investigation”), which may result from a project performed after obtaining licenses, etc. and shall notify its results to the disposal agency or the Minister. In this case, the sea area utilization operator, etc. may have an assessment agent vicariously execute the affairs of marine environment effect assessment. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister shall, in the event of being acknowledged from a marine environment effect assessment result notified under the provisions of Section (1) that damage to the marine environment has occurred, have a disposal agency take necessary measures as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. In this case, the disposal agency shall notify the Minister of its results. <Amended by Act No. 8852 on Feb. 29, 2008>
(3) Deleted <Amended by Act No. 8852 on Feb. 29, 2008>

(4) Necessary matters regarding the subject project, investigation item and period, etc. to be conducted for the sea area environment effect investigation under the provisions of Section (1) shall be determined by Presidential Decree.

CHAPTER X. MARINE ENVIRONMENT MANAGEMENT CORPORATION

Article 96 (Establishment of Corporation)

(1) In order to perform projects for conservation, management and improvement of marine environments, marine pollution prevention projects, and projects for technology development and training & education relating to the marine environment and marine pollution, a marine environment management corporation (hereinafter referred to as the “corporation”) shall be established.

(2) The corporation shall be a legal person.

(3) The corporation may have a branch, shop, research institution, training center, etc. as determined by the Articles of Incorporation.

Article 97 (Project)

(1) The corporation shall perform projects falling under any of the following Subsections:

1. Project for conservation and management of marine environment;

2. Project falling under any of the following items for marine environment improvement:

A. Project for collection and disposal of pollutant substances;
B. Installation, operation and entrustment management of pollutant substance storage facilities;

C. Towing of vessels for preventing emission of pollutant substances; and

D. Test, investigation, research, design, development and work supervision related to the marine environment.

3. Projects falling under any of the following items and necessary for marine pollution prevention:

A. Marine pollution prevention affairs and the arrangement and installation of a prevention ship (including entrustment and vicarious execution);

B. Maintenance of materials and chemicals necessary for marine pollution prevention and the installation of storage facilities (including entrustment and vicarious execution); and

C. Other projects related to marine pollution prevention and as determined by Presidential Decree.

4. Project designated by the Articles of Incorporation among projects incidental to Subsections 1 through 3;

5. International cooperation and technology service project related to marine environments;

6. Education, training and advertisement on the marine environment;

7. Projects entrusted from the State or local governments related to Subsections 1 through 6; or

8. Other project necessary for achievement of the establishment purpose of the corporation and as determined by Presidential Decree.

(2) In the event of being necessary for conservation and management of marine environment in the performance of projects under the provisions of Section (1), the
corporation may install facilities as determined by Presidential Decree or transfer the installed facility to other persons.

**Article 98 (Articles of Incorporation)**

(1) The Articles of Incorporation for the corporation shall include the following matters:

1. Purpose;

2. Name;

3. Matters regarding the main office, branch, business place or research institution;

4. Matters regarding qualification of officers and employees;

5. Matters regarding board of directors;

6. Matters regarding affairs and its execution;

7. Matters regarding property and accounting;

8. Matters regarding alteration of the Articles of Incorporation and the method of notice; and

9. Matters regarding establishment and revision of internal rules and regulations.

(2) The Articles of Incorporation for the corporation shall be approved by the Minister. The same shall apply to the alteration of the Articles of Incorporation for the corporation. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 99 (Officers)**
(1) Officers of the corporation shall consist of not less than five but not more than nine directors including one president and one auditor. In this case, the fixed number of directors shall be determined by the Articles of Incorporation.

(2) Four directors among directors under the provisions of Section (1) shall be permanent, and the others shall be non-permanent directors.

(3) The Minister shall appoint the president and auditor. In this case, where it is acknowledged to be difficult for the president or auditor to perform their duty, the Minister may dismiss it even during the tenure. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) The president shall appoint directors after obtaining the Minister’s approval. In this case, where it is acknowledged to be difficult for the director to perform their duty, the Minister may dismiss it even during the tenure. <Amended by Act No. 8852 on Feb. 29, 2008>

(5) Terms of officers shall be three years and can be reappointed.

Article 100 (Officer’s Duties)

(1) The president shall represent the corporation and supervise its affairs.

(2) The director shall assist the president and divide the affairs of the corporation as determined by the Articles of Incorporation and, where the president cannot perform its duties because of unavoidable reasons, a director shall vicariously execute the president’s duties according to the ranking as determined by the Articles of Incorporation.

(3) The auditor shall inspect the affairs and accounting of the corporation.

Article 101 (Disqualification of Officer)
(1) No person falling under any of the following Subsections shall be an officer:

1. A person with citizenship of a country other than Korea;
2. An incompetent person and a quasi-incompetent person;
3. A person who is declared bankrupt but has not been reinstated;
4. A person for whom two years have not passed since imprisonment as sentenced by a court, (including such cases where it is deemed to have been executed) and the sentence execution has been terminated or sentence execution has been decided to be exempted;
5. A person who is under probation for imprisonment as sentenced by a court; or
6. A person whose qualification is forfeited or suspended by a sentence of court or other laws and regulations.

(2) An officer shall, where it falls under any of the following Subsections of Section (1) or is proved to fall under any of the following Subsections of Section (1) at the time of appointment, be rightfully resigned.

(3) An act committed by a retired officer before his/her retirement under the provisions of Section (2) shall not be forfeited.

Article 102 (Board of Directors)

(1) In order to decide important matters regarding affairs of the corporation, a board of directors shall be established.

(2) The board of directors shall be organized by the president and directors, and the president shall convene the meetings of the board of directors and be its chairman.

(3) The board of directors shall decide by the attendance of the majority of the enrolled members and the approval of the majority of the present members.
(4) The auditor may attend and state his/her opinion in the meeting of the board of directors.

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

**Article 103 (Financial Resource)**

Funds required for the operation and business of the corporation shall be prepared with the financial resources falling under any of the following Subsections:

1. Prevention surcharges under the provisions of Article 69;

2. Proceeds resulting from projects under the provisions of Article 97;

3. Borrowings from outside under the provisions of Article 104 (3);

4. Funds prepared by issuance of bonds under the provisions of Article 106;

5. Commission under the provisions of Article 122 (2);

6. Asset operation proceeds;

7. Governmental support;

8. Donation under other laws and regulations; and

9. Other revenue as determined by the Articles of Incorporation.

**Article 104 (Contribution, Etc.)**

(1) Where necessary for efficiently performing the projects of the corporation, the corporation may make a contribution or donation to fields related to the respective projects under the provisions of Article 97.
(2) Matters necessary for contribution or donation under the provisions of Section (1) shall be determined by Presidential Decree.

(3) In the event of being acknowledged to be necessary for the performance of a project under the provisions of Article 97, the corporation may take a loan of funds (including borrowing from international organizations, foreign government or foreigners). In this case, it shall obtain approval of the Minister. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 105 (Free Loan of National and Public Properties)

In the event of being acknowledged to be necessary for the performance of the corporation, notwithstanding the National Property Act, the Materials Management Act, the Local Government Finance Act, and the Public Properties and Materials Management Act, the State or local government may give a free loan of national or public properties to the corporation or have the corporation use them and make profits.

Article 106 (Issuance of Bonds)

(1) The corporation may issue bonds through the deliberation of the board of directors. In this case, it shall obtain the approval of the Minister. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Minister shall, in the event of approving the issuance of bonds under the provisions of Section (1), have in advance a discussion with the Minister of Strategy & Finance. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) The State may guarantee the repayment of the principal and interest of bonds which the corporation issues.

(4) The extinctive prescription of bonds shall be completed five years for its principal and two years for its interest by calculating it from the date of repayment.
(5) Other matters necessary for the issuance of bonds shall be determined by Presidential Decree.

**Article 107 (Budget and Account Settlement)**

(1) The fiscal year of the corporation shall follow the fiscal year of the government.

(2) The corporation shall obtain the approval of the Minister on the project operation plan and budget of each fiscal year as determined by Presidential Decree. The same shall apply to the alteration of the approved matters. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) The corporation shall prepare the settlement of accounts within three months after each fiscal year and submit it to the Minister and obtain its approval. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 108 (Direction and Supervision of Affairs)**

(1) The Minister may direct and supervise the affairs of the corporation and, where it is acknowledged to be necessary, give to the corporation guidance or order pertaining to the projects. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) Where it is acknowledged to be necessary, the Minister may have the corporation report matters on its affairs, accounting and properties or have its public officials inspect the books, documents and other materials of the corporation. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 109 (Application *Mutatis Mutandis* of Civil Law)**

Except for matters as prescribed in this Act, the provisions of the Civil Law regarding the foundation shall be applied *mutatis mutandis* to the corporation.
CHAPER XI. SUPPLEMENTARY PROVISIONS

Article 110 (Type Approval, Etc. of Marine Environment Measurement Apparatus, Etc.)

(1) A person who intends to manufacture and import equipment and apparatus necessary for the measurement, analysis and inspection of marine environment (hereinafter referred to as the “marine environment measurement apparatus”) shall obtain the type approval of the Minister as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) In the event of intending to use the marine environment measurement apparatus, the quality inspection of the Minister shall be obtained as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs and, in the event of supply and use of standard materials (hereinafter referred to as the “calibration goods”) such as standard solution and standard gas, etc. used in the inspection, the official approval of the Minister shall be obtained as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) A person who intends to produce, manufacture and import a marine pollution prevention facility (excluding a dangerous liquid material prevention facility), a prevention system and vessel incineration facility (hereinafter referred to as the “type approval subject facility”) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs shall obtain the type approval of the Minister as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) A person who intends to produce or manufacture import materials or chemicals used for the control and prevention of pollutant substances under the provisions of Article 66 (1) shall obtain the type approval of the Commissioner of the Korean Coast Guard
as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(5) A person who desires to obtain the type approval under the provisions of Sections (1), (3) and (4) as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs shall undergo in advance the performance test on a marine environment apparatus, type approval subject facility or materials and chemicals from the Minister or the Commissioner of the Korean Coast Guard. <Amended by Act No. 8852 on Feb. 29, 2008>

(6) In the event of producing, manufacturing or importing a marine environment apparatus, type approval subject facility or materials and chemicals, a person who have obtained the type approval under the provisions of Sections (1), (3) and (4) shall undergo the official approval of the Minister or the Commissioner of the Korean Coast Guard about the concerned materials. In this case, for type approval subject facility or materials and chemicals which have passed the official approval, the test conducted initially among the marine pollution prevention vessel inspections shall be deemed to have been passed. <Amended by Act No. 8852 on Feb. 29, 2008>

(7) A person who installs a type approval subject facility to a vessel or maintains and stores materials and chemicals in the agreement party country shall obtain the acknowledgement of the Minister as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. In this case, the type approval performance test and official approval under the provisions of Sections (3) through (5) shall be deemed to have been obtained for the acknowledged materials. <Amended by Act No. 8852 on Feb. 29, 2008>

(8) Article 60 shall apply *mutatis mutandis* to objection against the official approval for type approval subject facility or materials and chemicals under the provisions of Section (6). In this case, “inspection” in Section (60) shall be deemed as “official approval” and “reinspection” as “reapproval” respectively.

(9) Where a person who has obtained the type approval under the provisions of Sections (1), (3) and (4) falls under any of the following Subsections, the Minister or the
Commissioner of the Korean Coast Guard may cancel the approval or order to suspend its business within a fixed period of six months as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs; provided, however, that, in the event of falling under Subsection 1, the approval shall be cancelled. <Amended by Act No. 8852 on Feb. 29, 2008>

1. In the event of obtaining type approval in fraudulent or unlawful means;

2. In the event of obtaining official approval in fraudulent or unlawful means;

3. In the event of selling a marine environment measurement apparatus, type approval subject facility or materials and chemicals which fall short of the standards; or

4. Where there is no business result without justifiable reasons for more than two years.

Article 111 (Declaration of Vessel Dismantlement, Etc.)

(1) A person who intends to dismantle a vessel shall prepare an operation plan in order to prevent the leakage of pollutant substances in the process of dismantling a vessel, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, and declare it to the Commission of the Korean Coast Guard until seven days prior to the commencement of the project; provided, however, that the same shall not apply to the case in which a vessel is dismantled as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) In the event of being acknowledged that a work plan filed under the provisions of Section (1) is insufficient or is not performed, the Commissioner of the Korean Coast Guard may make orders to take necessary measures.

(3) A sea area management agency may operate a vessel handling place equipped with facility standard and equipment so as to dismantle an abandoned vessel and its easy disposition as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>
Article 112 (Vicarious Execution of Service, Etc.)

(1) The Minister may vicariously execute affairs falling under any of the following Subsection through a vessel safety technology authority (hereinafter referred to as the “vessel safety technology authority”) under the provisions of Article 45 of the Vessel Safety Act and a classification society (hereinafter referred to as the “classification society”) under the provisions of Article 60 (2) of the same Act. In this case, the Minister shall enter into an agreement as determined by Presidential Decree. <Amended by Act No. 8852 on Feb. 29, 2008>

1. Approval seal of guideline for discharging methods and facilities of dangerous liquid materials under the provisions of Article 27 (3);

2. Inspection of oil mist emission controller under the provisions of Article 47 (3);

3. Marine pollution prevention vessel inspection and preliminary inspection; provided, however, that, in the event of designating an inspection agent for the emission prevention facility of nitrogen oxide of diesel engine among air pollution prevention facilities, it shall consult with the Minister of Environment;

4. Issuance of a certificate for marine pollution prevention inspection under the provisions of Article 49 (2), a certificate for temporary marine pollution prevention inspection under the provisions of Article 52 (2), a certificate for antifouling system inspection under the provisions of Article 53 (2), a certificate for preliminary inspection under the provisions of Article 54 (2) and a certificate for agreement inspection under the provisions of Article 55 (1); and

5. Extension of the effective period for a certificate for marine pollution prevention inspection and a certificate for agreement inspection under the provisions of Article 56 (2).

(2) The Commissioner of the Korean Coast Guard may vicariously execute affairs regarding the approval seal of a certificate for marine pollution prevention inspection through a vessel safety technology authority or a classification society. In this case, the
Commissioner of the Korean Coast Guard shall enter into an agreement as determined by Presidential Decree.

(3) The Minister or Commissioner of the Korean Coast Guard may vicariously execute type approval, quality inspection, performance inspection, official approval and acknowledgement under the provisions of Article 110 (1), (2) and (4) through (7), through a vicarious institution, as announced by the Minister or Commissioner of the Korean Coast Guard, which is suitable as designation standards as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) Necessary matters regarding the designation requirements, direction, and supervision of a service agent under the provisions of Section (3) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 113 (Cancellation of Vicarious Execution of Service, Etc.)**

(1) Where a service agent under the provisions of Article 112 (1) through (3) falls under any of the following Subsections, the Minister or Commissioner of the Korean Coast Guard may cancel an agreement or designation of vicarious execution for services; provided, however, that, in the event of falling under the provision of Subsection 1, the agreement or designation shall be cancelled. <Amended by Act No. 8852 on Feb. 29, 2008>

1. Where an agreement of vicarious execution for services is entered or designated in fraudulent or unlawful means;

2. In the event of falling short of designation standards under the provisions of Article 112 (4) (limited to the case of designation of vicarious execution of services);

3. Where a vicarious execution of services may not have been conducted for more than three months without justifiable reasons; or
4. Where a person who has performed a vicarious execution of services violates an agreement entered into regarding the service.

(2) Notwithstanding the provisions of Section (1), where a person who is designated as an inspection agent through an agreement under the proviso of Subsection 3 of Article 112 (1) violates an agreement under the provisions of Article 112 (1), the Minister of Environment may request the Minister to cancel the agreement. In this case, the Minister shall follow such request unless there are special reasons not to. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) Necessary matters regarding the agreement or designation of vicarious execution of services under the provisions of Sections (1) and (2) shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

**Article 114 (Cooperation with Relevant Administrative Agency)**

(1) In the event of being acknowledged to be necessary for achievement of the purpose of this Act, a sea area management agency or Commissioner of the Korean Coast Guard may request the head of a relative administrative agency to supply data and information necessary for marine environment management or marine pollution prevention and to mobilize manpower and equipment for emergency marine pollution prevention, respectively.

(2) When necessary for performing projects under the provisions of Article 97, the authority may request a concerned administrative agency for necessary cooperation such as perusal, copy, etc. of data or information.

(3) The head of the relevant administrative agency which received a request for cooperation from a sea area management agency, the Commissioner of the Korean Coast Guard or the respective authorities shall follow the request unless there are special reasons not to.
Article 115 (Entrance and Inspection Report, Etc.)

(1) The Minister may have, as determined by Presidential Decree, an owner of a vessel or maritime facility (excluding service under the provisions of Articles 34 through 36), a vessel oil supplier, a person who installs oil mist emission controllers under the provisions of Article 47 (2) and a person who has operated waste marine collection business and accumulated pollutant substance collection business under the provisions of Subsections 4 and 5 of Article 70 (1) submit or report necessary data through its public official, and enter the vessel or facility (including a business place and office; hereinafter, the same shall apply in this Article) to confirm and check and inspect the relevant documents or facilities, equipment and fuel oil. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The Commissioner of the Korean Coast Guard may have, as determined by Presidential Decree, an owner of a maritime facility (limited to a service under the provisions of Articles 34 through 36), a person who has operated a waste marine dumping business, marine pollution prevention business, cargo hold cleaning business under the provisions of Subsections 1 through 3 of Article 70 (1) and a waste consignor under the provisions of Article 76 submit or report necessary data through its public official, and enter the facility to confirm and check and inspect relevant documents or facilities and equipment.

(3) Notwithstanding the provisions of Section (1), in the event of emergency situations as determined by Presidential Decree regarding marine pollution in a vessel, the Commissioner of the Korean Coast Guard may have its public official enter the vessel to confirm and check or inspect the relevant documents, facilities or equipment.

(4) The public officials who conduct the inspection upon inspection under the provisions of Sections (1) through (3) shall present their identification card to show his/her authority and to the relevant people, and inform them of the purpose of entrance, etc.

(5) The relevant people such as a vessel owner, etc. shall not reject, hinder or evade the entrance inspection and submission of data, and requests for reports, etc. of the public officials unless there are justifiable reasons not to.
(6) The Minister or Commissioner of the Korean Coast Guard may have affairs such as guidance inspection matter, inspection notice and inspection result reply, etc. regarding the entrance inspection and report, as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs, utilized through the formation of an electronic network. <Amended by Act No. 8852 on Feb. 29, 2008>

Article 116 (Marine Environment Observer)

(1) The Minister or Commissioner of the Korean Coast Guard may designate its public official as a marine environment observer in order to conduct duties under the provisions of Article 115 (1) through (3). <Amended by Act No. 8852 on Feb. 29, 2008>

(2) Necessary matters such as appointment, qualification and duties of a marine environment observer under the provisions of Section (1) shall be determined by Presidential Decree.

Article 117 (Vessel Stoppage, Search, Seizure and Prohibition of Entrance to & Departure from Port, Etc.)

In the event of being acknowledged that a vessel is suspected of violating the provisions of this Act, a sea area management agency or the Commissioner of the Korean Coast Guard may take measures such as vessel stoppage, search, seizure and prohibition of entrance to and departure from ports or other necessary order or measures.

Article 118 (No Disclosure of Confidential Information, Etc.)

(1) A sea area utilization effect evaluation agent and the officer, employee or former employee of a sea area utilization effect reviewing institution shall not disclose or appropriate any confidential information known from its duties regarding the
preparation of a sea area utilization effect report and sea area utilization effect reviewing affairs.

(2) The officer, employee or former employee of an authority shall not disclose or appropriate any confidential information known from its duties.

(3) The officer, employee or former employee of an institution or group to perform a vicarious execution of services under the provisions of Article 112 shall not disclose or appropriate any confidential information known from its duties.

Article 119 (National Support, Etc.)

(1) In the event of taking measures falling under any of the following subsections, the State and local governments may support the whole or part of expenses from the national treasury.

1. Marine environment improvement measures under the provisions of Article 18;

2. Operation of a vessel or disposal facility for collection and disposal of wastes under the provisions of Article 24 (3); and

3. Installation and operation of a pollutant substance storage facility under the provisions of Article 38 (1).

(2) The State may provide financial support for expenses required for installation or improvement of marine pollution prevention facilities, pollutant substance storage facilities and other facilities for marine pollution prevention.

(3) The State or local governments may provide support to a private group which conducts activities for conservation and management of the marine environment and marine pollution prevention.

Article 120 (Hearing)
In the event of taking a disposition falling under any of the following Subsections, the Minister or Commissioner of the Korean Coast Guard shall hold a hearing as determined under the Administrative Procedure Act.

1. Cancellation of measurement and analysis capacity certification under the provisions of Article 13 (3);

2. Cancellation of registration under the provisions of Article 75;

3. Cancellation of designation under the provisions of Article 82;

4. Cancellation of registration under the provisions of Article 89; or

5. Cancellation of type approval under the provisions of Article 110 (9).

Article 121 (Training and Education For Marine Pollution Prevention Manager, Etc.)

A person who has appointed a marine pollution prevention manager under the provisions of Articles 32 and 36 and a person who has employed a technology staff who engages in a marine environment management business shall have its relevant employees undergo training and education on marine pollution prevention and control no less than once every five years as determined by Presidential Decree; provided, however, that, where the employee is on board, the training and education may be postponed within the scope of one year as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs.

Article 122 (Fee)

(1) A person who desires to obtain type approval, quality inspection, certification, approval seal, inspection, performance test, official approval and acknowledgement shall pay fees as determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>
(2) The authority may collect fees related to the furnishing of materials and chemicals or
the arrangement and installation of control and controlling vessel, etc. as determined
by the Articles of Incorporation in order to conduct a project under the provisions of
Article 97.

(3) In the event of executing type approval, quality inspection, approval seal inspection,
performance test, official approval and acknowledgement, a service agent under the
provisions of Article 112 may collect fee. In this case, it shall obtain in advance the
permission from the Minister or Commissioner of the Korean Coast Guard. <Amended
by Act No. 8852 on Feb. 29, 2008>

Article 123 (Entrustment and Consignment)

(1) An authority of the Minister or Commissioner of the Korean Coast Guard under the
provisions of this Act may be entrusted or consigned in part to the head of its
competent agency or the head of other administrative agencies and local government
as determined by Presidential Decree. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) An authority of the Mayor/Do governor under the provision of this Act may be
entrusted in part to the head of the City/Gun/Gu determined by Presidential Decree.

(3) A sea area management agency may consign affairs falling under any of the following
Subsections to the president of the authority:

1. Management of marine environment improvement measures under the provisions of
Article 18 (1);

2. Operation of a vessel or disposal facility under the provisions of Article 24 (3);

3. Installation and operation of a pollutant substance storage facility under the provisions
of Article 38 (1);

4. Installation and operation of a storage facility under the provisions of Article 66 (1);
5. Installation and operation of a vessel disposal place under the provisions of Article 111 (3); and

6. Training and education for marine pollution prevention managers, etc. under the provisions of Article 121.

Article 124 (Legal Fiction of Public Official in the Application of Penal Provision)

The officer and employee of a sea area utilization effect reviewing institution and the authority under the provisions of Article 91 (2) and the officer or employee of a service agency institution related to type approval, inspection, performance test, official approval, etc. under the provision sof Article 112 shall be deemed a public official in the application of the provisions of Articles 129 through 132 of the Criminal Law.

Article 125 (Marine Environment Conservation Association)

(1) A marine environment conservation association shall be installed so as to perform investigation & research as well as education and public relations for the conservation and management of the marine environment and ecosystem. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) The association shall be a juristic person.

(3) The structure and operation of the association and other necessary matters shall be determined by the Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) Provisions regarding a corporation aggregate among the Civil Law shall apply mutatis mutandis to matters related to the association which are not prescribed for in this Act.

CHAPTER XII. PENAL PROVISION
Article 126 (Penal Provisions)

A person who falls under any of the following Subsections shall be punished by imprisonment not exceeding five years or a fine not exceeding fifty million won:

1. A person who discharges oil from a vessel or maritime facility in violation of Article 22 (1) and (2); or

2. A person in violation of the order under the provisions of Article 93 (2).

Article 127 (Penal Provisions)

A person who falls under any of the following Subsections shall be punished by imprisonment not exceeding three years or a fine not exceeding thirty million won:

1. A person who discharges waste, dangerous liquid material, packaged dangerous material from a vessel or maritime facility in violation of Article 22 (1) and (2);

2. A person who discharges oil in negligent conduct from a vessel or maritime facility in violation of Article 22 (1) and (2);

3. A person who uses a vessel during voyage in violation of Article 57 (1) through (3);

4. A person who does not take prevention measures or violates an action order under the provisions of Article 64 (1) or (3); or

5. A person who does not take a measure for the prevention of discharging pollutant substances or violates an action order under the provisions of Article 65.

Article 128 (Penal Provisions)
A person who falls under any of the following Subsections shall be punished by imprisonment not exceeding two years or a fine not exceeding twenty million won:

1. A person who discharges waste, dangerous liquid material, and packaged dangerous material from a vessel or maritime facility in negligent conduct in violation of Article 22 (1) and (2);

2. A person who does not install a waste pollution prevention facility under the provisions of Article 25 (1) but uses a vessel on the voyage;

3. A person who does not install an oil pollution prevention facility according to the provisions of Article 26 (1) but uses a vessel on the voyage;

4. A person who does not install a dangerous liquid material pollution prevention facility under the provisions of Article 27 (1) while using a vessel on the voyage;

5. A person who does not install a vessel structure under the provisions of Article 26 (2) while using a vessel on the voyage;

6. A person who installs a cargo hold for a vessel in violation of Article 27 (2);

7. A person who uses dangerous antifouling paint or dangerous antifouling systems in violation of Article 40 (1) and (2) or does not use and install dangerous antifouling paint and dangerous antifouling systems in a lawful standard and method;

8. A person who does not arrange or install prevention ships, etc. in violation of Article 67 (1);

9. A person who violates an order to prohibit entry or departure from a port or to suspend the use of facilities in violation of Article 67 (3);

10. A person who operates a marine environment management business without registering under the provisions of Article 70 (1);
11. A person whose registration is cancelled under the provisions of Article 75 but operates its business or a person who receives a business suspension order but operates a business during such business suspension period;

12. A person who does not carry out a marine pollution effect investigation under the provisions of Article 77 (1);

13. A person whose designation is cancelled under the provisions of Article 82 (1) and 89 (1) but operates its business or a person who receives a business suspension order but operates a business during such business suspension period;

14. A person who prepares a sea area utilization effect assessment report using fraudulent means under the provisions of Article 85 (2);

15. A person whose assessment agent is not registered under the provisions of Article 86 (1) but vicariously executes the preparation of a sea area utilization effect assessment report (including a person who vicariously executes a sea area utilization effect assessment in violation of Article 85 (4));

16. A person who prepares results of a marine environment effect investigation in fraudulent means under the provisions of Article 95 (1);

17. A person whose type approval or official approval is cancelled under the provisions of Article 110 (9) or who receives a business suspension order but operates a business during such business suspension period; or

18. A person who rejects or hinders or evades stopping of a vessel, search, seizure, or prohibition of entry or departure from a port or other necessary orders or measures.

**Article 129 (Penal Provisions)**

(1) A person who falls under any of the following Subsections shall be punished by imprisonment not exceeding one year or a fine not exceeding ten million won:
1. A person who installs a facility within a special management sea area in violation of Article 15 (3) or violates total emission of pollutant substances;

2. A person who dumps wastes in the ocean other than a designated sea area in violation of Article 23 (1);

3. A person who does not install an air pollution prevention facility under the provisions of Article 41 (1) while using a vessel on the voyage;

4. A person who discharges ozone depletion materials in violation of Article 42 (1);

5. A person who operates a diesel engine exceeding the permitted emission standards of nitrogen oxide in violation of Article 43 (1);

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

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

8. A person who does not install or operate an oil mist emission controlling equipment;

9. A person who installs an oil mist emission controlling equipment without undergoing an inspection in violation of Article 47 (3);

10. A person who falls under any of Subsection 1 or 2 of Article 63 (1) and does not make a declaration or declares falsely thereof;

11. A person who conducts a work before completing consultation procedures and re-consultation procedures under the provisions of Articles 84 and 85;

12. A person who commences works before completing the agreement procedures and re-agreement procedures under the provisions of Articles 84 and 85; and

13. A person who copies or does not keep or prepares falsely the contents of other sea area utilization effect evaluation report in violation of Article 118 (1).
(2) A person who falls under any of the following Subsections shall be punished by
imprisonment not exceeding one year or a fine not exceeding five million won
<Amended by Act No. 8788 on Dec. 21, 2007>:

1. A person who is entrusted with and dumps wastes, which are not filed, and in violation
   of Article 23 (2);

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

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

4. A person who installs a dangerous liquid material pollution prevention facility or
   maintains and operates it in violation of Article 27 (4);

5. A person who loads water ballast or oil in violation of Article 28;

6. A person who transports packaged dangerous materials in violation of Article 29;

7. A person who collects and disposes pollutant substances from a vessel or maritime
   facility in violation of Article 37;

8. A person who uses vessels, which has not completed a marine pollution prevention
   vessel inspection under the provisions of Articles 49 through 53, on the voyage;

9. A person who does not carry out an order or disposal under the provisions of Article
   58 or 59;

10. A person who does not furnish or store materials and chemicals, or installs or
    operates the storage facility of materials and chemicals;

11. A person who violates a disposal order under the provisions of Article 73;

12. A person who does not take a quality inspection while using a marine environment
    measurement apparatus or supplies and uses calibration goods under the provisions of
    Article 110 (2);
13. A person who does not undergo type approval, performance test, official approval or acknowledgement under the provisions of Article 110 (1) through (7);

14. A person who does not make a declaration under the provisions of Article 111 (1), but dismantles a vessel;

15. A person who rejects or hinders or evades entrance inspection or requests to file reports without justifiable reasons in violation of Article 115 (5); or

16. A person who discloses or appropriates confidential information known through the course of performing duties in violation of Article 118 (2) and (3).

**Article 130 (Joint Penal Provisions)**

Where a representative of a corporation or an agent, servant or other employee of a corporation or individual commits an offense as prescribed in Articles 126 through 129 with respect to any business of the corporation or individual, the fine as prescribed in the respective Articles shall also be imposed on such corporations or individuals in addition to the punishment of the offender.

**Article 131 (Special Rules of Application of Penal Provisions to Foreigners)**

(1) Where the provisions of Articles 127 through 128 are applied to foreigners except for a case in which it commits intentionally an offence within the Korean sea territory, the fine as prescribed in the respective Articles shall also be imposed on such foreigners.

(2) The provisions of 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 under the provisions of Section (1), and the provisions of Articles 23 through 25 of the same Act shall apply mutatis mutandis to legal procedures on such foreigners.
Article 132 (Fine for Negligence)

(1) Any person falling under any of the following Subsections shall be punished by a fine for negligence not exceeding ten million won:

1. A person who reports falsely the results of marine pollution effect investigation under the provisions of Article 77 (1); or

2. A person who does not submit a sea area utilization effect evaluation report under the provisions of Article 85 (2) or prepares poorly such evaluation report.

(2) Any person falling under any of the following Subsections shall be punished by a fine for negligence not exceeding five million won:

1. A person who discharges pollutant substances, as determined by Presidential Decree, from marine areas in violation of Article 22 (2);

2. A person who does not declare a maritime facility in violation of Article 33 (1);

3. A person who installs a facility containing ozone depletion material to a vessel in violation of Article 42 (2);

4. A person who does not provide a copy of fuel-oil supplying documents or sample of fuel-oil or provides falsely a copy of fuel-oil supplying documents or sample of fuel-oil in violation of Article 45 (2);

5. A person who does not cooperate with the preventive measures in violation of Article 64 (2);

6. A person who does not make an alteration registration according to the provisions of Article 70 (3);

7. A person who stores and manages wastes in violation of Article 72 (3) or does not prepare or falsely prepares wastes handover and undertaking documents;
8. A person who does not declare or falsely declares the succession of rights and obligations of a marine environment manager in violation of Article 74 (3);

9. A person who entrusts the disposal of wastes, which are not declared, in violation of Article 76 (1);

10. A person who violates an observation matter prescribed by the provisions of Article 88;

11. A person who does not execute marine environment effect investigation according to the provisions of Article 95 (1) or does not inform or falsely informs its results; or

12. A person who does not take necessary measures under the provisions of Article 95 (2).

(3) Any person falling under any of the following Subsections shall be punished by a fine for negligence not exceeding two million won. <Amended by Act No. 8852 on Feb. 29, 2008>:

1. A person who maintains and operates an air pollution prevention facility in a manner which is not in accordance with the standards in violation of Article 41 (2);

2. A person who transfers facility containing ozone depletion materials in violation of Article 42 (3) to a company or group other than those as designated and announced by the Ordinance of the Ministry of Land, Transport and Maritime Affairs;

3. A person who incinerates materials, of which incineration is prohibited, in a vessel in violation of Article 46 (1);

4. A person who installs an incineration facility or maintains and operates it in violation of Article 46 (2) and (4); or

5. A person who incinerates materials using the main engine, supplementary engine or boiler in a sea area, of which incineration is prohibited, in violation of Article (3).

(4) Any person falling under any of the following Subsections shall be punished by a fine for negligence not exceeding one million won:
1. A person who does not furnish a container for the storage of waste oil under the provisions of Article 26 (1);

2. A person who does not provide a guideline on discharge methods and facilities of dangerous liquid materials of which official approval is obtained under the provisions of Article 27 (3);

3. A person who does not furnish a pollution material record under the provisions of Articles 30 and 34 or records and keeps it, or states it in a fraudulent manner;

4. A person who does not furnish a vessel marine pollution emergency plan record and marine facility pollution emergency record of which official records are obtained under the provisions of Articles 31 and 35;

5. A person who does not appoint a marine pollution prevention manager under the provisions of Articles 32 (1) and 36 (1);

6. A person who does not furnish documentary appointment evidence of a marine pollution prevention manager under the provisions of Articles 32 (2) and 36 (2);

7. A person who does not state an engine logbook in violation of Article 44 (3);

8. A person who does not keep an engine logbook for one year in violation of Article 44 (3);

9. A person who does not keep a fuel-oil supplying record or its copy for three years in violation of Article 45 (3);

10. A person who does not keep a fuel-oil sample in violation of Article 32 (1);

11. A person who does not keep a record on the operation of oil mist emission controller for three years in violation of Article 47 (4);

12. A person who does not furnish a marine pollution prevention inspection certificate in a vessel in violation of Article 57 (4);
13. A person who does not prepare and submit a disposal result record or prepares and furnishes a disposal book in violation of Article 72 (1);

14. A person who does not prepare a pollutant substances collection confirmation document or prepares it fraudulently in violation of Article 72 (2);

15. A person who does not prepare waste taking-over and undertaking documents to submit in violation of Article 72 (3);

16. A person who does not make an alteration declaration under the provisions of the latter part of Article 76 (1);

17. A person who entrusts and disposes wastes while not measuring it in violation of Article 76 (2);

18. A person who does not enforce a corrective order under the provisions of Article 111 (2); or

19. A person who does not have a person undergo training and education under the provisions of Article 121.

**Article 133 (Imposition and Collection, Etc. of Fine For Negligence)**

(1) A fine for negligence under the provisions of Article 132 shall be imposed and collected by the Minister or Commissioner of the Korean Coast Guard as determined by Presidential Decree. <Amended by Act No. 8852 on Feb. 29, 2008>

(2) A person who has an objection against a disposition of imposing a fine for negligence under the provisions of Section (1) may raise a claim within 30 days after the notification date of the disposition to the Minister or Commissioner of the Korean Coast Guard. <Amended by Act No. 8852 on Feb. 29, 2008>

(3) When a person to whom a fine for negligence is imposed under the provisions of Section (1) raises a claim under the provisions of Section (2), the Minister or
Commissioner of the Korean Coast Guard shall notify a competent court of the fact without delay, and such competent court that received the notice thereof shall bring the case of the fine for negligence to trial under the Non-Contentious Case Litigation Procedure Act. <Amended by Act No. 8852 on Feb. 29, 2008>

(4) Where no objection is made or no fine for negligence is paid within the period specified under section (2), it shall be collected by the examples of the disposition on default of national taxes in arrears.

**ADDENDA (Fisheries Act) <No. 9626, Apr. 22, 2009>**

**Article 1 (Effective Date)**

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

**Articles 2 through 10  Deleted**

**Article 11 (Amendment of Other Laws and Regulations)**

Sections (1) through (14) Deleted

Section (15) Part of the Marine Environment Management Act shall be amended as follow:

Article 22 of the Special Act for Support of Fish Harvester, Etc. and Development of Fishery Industry according to Consummation of Fishery Agreement shall be amended as Article 76 of the Fisheries Act

**Article 12  Deleted**