

## ENFORCEMENT DECREE OF THE CULTURAL HERITAGE PROTECTION ACT

Wholly Amended by Presidential Decree No.22560, Dec. 29, 2010

### Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the [Cultural Heritage Protection Act](#) and those necessary for the enforcement thereof.

### Article 2 (Definitions)

"Construction works prescribed by Presidential Decree" in [Article 2 \(7\) of the Cultural Heritage Protection Act](#) (hereinafter referred to as the "Act") means the following: *Provided*, That this shall apply to construction or installation works referred to in subparagraphs 2 through 4 only if the original form of the earth surface is changed:

1. Construction works referred to in subparagraph 4 of [Article 2 of the Framework Act on the Construction Industry](#);
2. Electrical construction referred to in subparagraph 1 of [Article 2 of the Electrical Construction Business Act](#);
3. Information and communications construction works referred to in subparagraph 2 of [Article 2 of the Information and Communications Construction Business Act](#);
4. Fire-fighting system installation works under the [Fire-Fighting System Installation Business Act](#);
5. Landscaping works within designated cultural heritage, the protection zone of designated cultural heritage or the preservation area of a historic and cultural environment under [Article 13 \(1\) of the Act](#);
6. Works to change (referring to cutting, landfill, extraction of aggregate, collection of minerals, excavation, dredging, submersion, reclamation, etc.) the original form of land or a seabed (referring to inland waters referred to in subparagraph 1 of [Article 2 of the Inland Water Fisheries Act](#) and coastal areas referred to in subparagraph 2 of [Article 2 of the Coast Management Act](#)).

### Article 3 (Persons whose Opinions Need to be Heard for Establishment of Master Plans for Cultural Heritage)

"Owners, custodians or management organizations prescribed by Presidential Decree and relevant experts" in [Article 6 \(2\) of the Act](#) means any of the following persons:

1. An owner or custodian of designated cultural heritage or registered cultural heritage;
2. A management organization of designated cultural heritage or registered cultural heritage;
3. A member of the Cultural Heritage Committee under [Article 8 of the Act](#);
4. Other persons who have expert knowledge or experience in cultural heritage, and are determined and publicly announced by the Administrator of the Cultural Heritage Administration.

### Article 4 (Procedures, etc. for Establishing Implementation Plans for Preservation of Cultural Heritage)

(1) An annual implementation plan concerning the master plan for cultural heritage under [Article 7 \(1\) of the Act](#) (hereinafter referred to as "implementation plan") shall contain the following:

1. Direction-setting for implementing projects in the relevant year;
2. Implementation policies by major project;
3. Detailed plans by major project;
4. Other necessary matters for the preservation, management and utilization of cultural heritage.

(2) In accordance with [Article 7 \(2\) of the Act](#), the Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor or Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/ Do Governor") shall present the implementation plan of the relevant year and the results of implementing the implementation plan of the previous year to the Administrator of the Cultural Heritage Administration by January 31 of each year.

(3) In accordance with [Article 7 \(3\) of the Act](#), the Administrator of the Cultural Heritage Administration and a Mayor/ Do Governor shall give public notice of the implementation plan of the relevant year on the notice board and post it on the website of the Cultural Heritage Administration,

the relevant Special Metropolitan City, Metropolitan City, Do or Special Self-Governing Province by the last day of February of each year.

#### **Article 5 (Presentation, etc. of Business Plans)**

(1) The Korea Cultural Heritage Foundation established under [Article 9 of the Act](#) (hereafter referred to as the "Foundation" in this Article) shall prepare its business plan and budgetary forecast for the following year and present them to the Administrator of the Cultural Heritage Administration by November 30 of each year.

(2) The Foundation shall prepare track records and the settlement of accounts of each business year and present them to the Administrator of the Cultural Heritage Administration by the last day of February in the following business year.

#### **Article 6 (Procedures for Basic Investigations of Cultural Heritage)**

(1) Where the Administrator of the Cultural Heritage Administration intends to conduct an investigation under [Article 10 \(1\) of the Act](#), he/she shall prepare an investigative plan containing overall details on an investigation, such as an investigator, subject matter of an investigation, background of an investigation, etc. prior to commencing the investigation.

(2) Where the head of a central administrative agency (excluding the Administrator of the Cultural Heritage Administration) or the head of a local government intends to conduct an investigation under [Article 10 \(1\) of the Act](#), he/she shall prepare the investigative plan under paragraph (1) and submit it to the Administrator of the Cultural Heritage Administration prior to commencing the investigation.

(3) The Administrator of the Cultural Heritage Administration shall prepare a report containing the following matters within 60 days after completing an investigation under [Article 10 \(1\) of the Act](#). In such cases, where the period of investigation exceeds one year, an interim report containing the following matters shall be prepared when one year lapses since the commencement of the investigation:

1. General matters on an investigation, such as investigators, the progress and method of the investigation;
2. Detailed description on the current state of the investigated cultural heritage;
3. Matters concerning an owner or custodian of the investigated cultural heritage, its location, history, etc.

(4) The head of a central administrative agency (excluding the Administrator of the Cultural Heritage Administration) or the head of a local government shall prepare a report containing the matters referred to in each subparagraph of paragraph (3), within 60 days after completing an investigation under [Article 10 \(1\) of the Act](#) and submit it to the Administrator of the Cultural Heritage Administration. In such cases, where the period of the investigation exceeds one year, an interim report containing the matters referred to in each subparagraph of paragraph (3) shall be prepared and submitted when one year lapses from the commencement of the investigation.

#### **Article 7 (Scopes to Establish Information System on Cultural Heritage, its Operation, etc.)**

(1) Scopes to establish an information system on cultural heritage under [Article 11 \(1\) of the Act](#) are as follows:

1. Basic data on the current state of cultural heritage, including their name, location, owner, etc.;
2. Data on the preservation, management and utilization of cultural heritage;
3. Data on the investigation, excavation and research of cultural heritage;
4. Data, such as a photo, drawing, live image, etc. that may help understand the relevant cultural heritage;
5. Other data deemed necessary by the Administrator of the Cultural Heritage Administration which has informative value of cultural heritage.

(2) The Administrator of the Cultural Heritage Administration may compile the data referred to in each subparagraph of paragraph (1) in electronic or book form, etc., and provide citizens with so compiled data at the database center of the Cultural Heritage Administration or on its website to ensure the efficient utilization of information on cultural heritage.

#### **Article 8 (Development of Fire Preparedness Guidelines)**

(1) The scope of cultural heritage for which fire preparedness guidelines need to be prepared under [Article 14 \(3\) of the Act](#) are as follows:

1. Wooden buildings which are designated cultural heritage;
2. A wooden building within designated cultural heritage and a wooden building in a protection zone: *Provided*, That this shall not apply to buildings of low importance, such as a restroom, resting facility, etc.
3. A wooden building within a World Heritage Site referred to in [Article 19 \(1\) of the Act](#):  
*Provided*, That this shall not apply to buildings of low importance, such as a restroom, resting

facility, etc.

(2) Fire preparedness guidelines shall include the following:

1. Fire-preventive activities;
2. Means of reporting a fire in such event;
3. Means of dealing with a fire, such as means of relocating, distributing and sheltering cultural heritage.

#### **Article 9 (Cooperation for Exchanges of Cultural Heritage between North and South Korea)**

(1) Exchange and cooperation projects in the field of cultural heritage between South and North Korea to be supported under [Article 18 \(3\) of the Act](#) are as follows:

1. South-North Korean joint investigations, research and repair of cultural heritage;
2. South-North Korean exchange of information and technology on the preservation and management of cultural heritage;
3. Exchange of human resources, such as experts in the field of cultural heritage;
4. Supporting to register North Korean cultural heritage with the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a World Heritage Site;
5. Other necessary matters for cooperation for exchanges of cultural heritage between South and North Korea.

(2) Any agency or association which intends to fully or partially receive subsidies for a cooperation project, investigation, research, etc. for exchanges of cultural heritage between South and North Korea pursuant to [Article 18 \(3\) of the Act](#) shall prepare a plan for the relevant project, and submit it to the Administrator of the Cultural Heritage Administration for approval, and submit a report on the achievements of the project to the Administrator of the Cultural Heritage Administration within two months after the completion of such project. This shall also apply in cases where it intends to modify the matters determined by Ordinance of the Ministry of Culture, Sports and Tourism, among already approved matters.

#### **Article 10 (Protection of World Heritage Site, etc.)**

(1) The Administrator of the Cultural Heritage Administration may regularly investigate and inspect (including regular inspection activities to perform the duty to submit periodic reports in accordance with the Convention Concerning the Protection of the World Cultural and Natural Heritage) the current status and the preservation status of a World Heritage Site, etc. (hereafter referred to as "World Heritage Site, etc." in this Article) under [Article 19 \(2\) of the Act](#) in order to maintain and manage the World Heritage Site, etc. and to take necessary measures for the protection thereof.

(2) The Administrator of the Cultural Heritage Administration may request the head of the local government having jurisdiction over the location of a World Heritage Site, etc. to present relevant data necessary for the investigation and inspection under paragraph (1) and to present his/her opinion.

(3) The head of a local government in receipt of a request for preservation of relevant data and his/her opinion pursuant to paragraph (2) shall comply therewith unless any extenuating circumstance exists.

(4) Necessary matters concerning the method and procedure for investigations and inspections under paragraph (1) and other relevant matters shall be determined by the Administrator of the Cultural Heritage Administration.

#### **Article 11 (Standards and Procedures for Designating State-Designated Cultural Heritage)**

(1) The standards for designating national treasures and treasures under [Article 23 of the Act](#), important intangible cultural heritage under [Article 24 \(1\) of the Act](#), historic sites, scenic areas, or natural monuments under [Article 25 of the Act](#), and important folklore resources under [Article 26 of the Act](#) are as stipulated in attached Table 1.

(2) Where the Administrator of the Cultural Heritage Administration intends to designate cultural heritage as State-designated cultural heritage pursuant to paragraph (1), he/she shall request at least three relevant experts, such as members in the relevant field of the Cultural Heritage Committee under [Article 8 of the Act](#) (hereinafter referred to as the "Cultural Heritage Committee"), expert members, etc. to conduct an investigation on such cultural heritage.

(3) A person in receipt of a request to investigate pursuant to paragraph (2) shall prepare an investigation report after conducting the investigation and submit it to the Administrator of the Cultural Heritage Administration.

(4) Where the Administrator of the Cultural Heritage Administration deems that the relevant cultural heritage is worth of being designated as State-designated cultural heritage after reviewing the investigation report referred to in paragraph (3), he/she shall give prior notice of the details to be deliberated on in the Official Gazette for at least 30 days prior to the deliberation by the Cultural Heritage Committee.

(5) The Administrator of the Cultural Heritage Administration shall determine whether to designate

the relevant cultural heritage as State-designated cultural heritage, following deliberation thereon by the Cultural Heritage Committee within six months from the date on which prior notice given under paragraph (4) ends.

(6) Where the Administrator of the Cultural Heritage Administration fails to determine the designation under paragraph (5) within six months due to an inevitable reason, such as an objection, etc. raised by stakeholders, but needs to redetermine the designation, he/she shall undergo the procedures for giving prior notice under paragraph (4) and for the designation under paragraph (5) again.

#### **Article 12 (Standards and Procedures for Recognizing Holders, etc. of Important Intangible Cultural Heritage)**

(1) The standards for recognition as holders, holding organizations and honorary holders of important intangible cultural heritage under [Article 24 \(2\) and \(4\) of the Act](#) are as follows:

1. A holder of important intangible cultural heritage: A person capable of mastering, preserving and realizing skills or artistic talents of such important intangible cultural heritage in its original form;
2. A holding organization of important intangible cultural heritage: An organization capable of preserving and realizing skills or artistic talents of such important intangible cultural heritage in its original form: *Provided*, That this shall only apply where it is impossible for an individual to realize the relevant important intangible cultural heritage by nature of its skills or artistic talents, or several persons who could be recognized as its holders exist;
3. An honorary holder of important intangible cultural heritage: A holder of such important intangible cultural heritage who has difficulty in properly initiating into his/her skills or artistic talents.

(2) Where the Administrator of the Cultural Heritage Administration intends to recognize a holder, holding organization or honorary holder of important intangible cultural heritage pursuant to [Article 24 \(2\) and \(4\) of the Act](#), he/she shall require at least three relevant experts, such as members of the subcommittee in the relevant field, expert members, etc. to conduct the necessary investigation: *Provided*, That if a holder of such important intangible cultural heritage desires to be an honorary holder, an investigation by relevant experts may be exempted.

(3) [Article 11 \(3\) through \(5\)](#) shall apply *mutatis mutandis* to the recognition of holders, holding organizations and honorary holders of important intangible cultural heritage under paragraph (1). In such cases, the term "State-designated cultural heritage" and "designation" shall be construed as a "holder, holding organization and honorary holder of important intangible cultural heritage" and "recognition", respectively.

(4) Detailed standards for recognition of holders, etc. under paragraph (1) shall be determined and publicly announced by the Administrator of the Cultural Heritage Administration, in consideration of the value of initiation, capabilities and environment for initiation, and contribution to initiation activities.

#### **Article 13 (Standards for Designating Protective Facilities or Protection Zones)**

(1) The standards for designating protective facilities or protection zones of national treasures, treasures, historic sites, scenic areas, natural monuments or important folklore resources under [Article 27 \(1\) of the Act](#) are as stipulated in attached Table 2.

(2) The Administrator of the Cultural Heritage Administration may strengthen or relax the standards for designating protective facilities or protection zones under paragraph (1), if deemed specifically necessary due to the existence of natural or artificial conditions or other extenuating circumstances.

(3) [Article 11 \(2\) through \(5\)](#) shall apply *mutatis mutandis* to the designation of the protective facilities or protection zones of national treasures, treasures, historic sites, scenic areas, natural monuments or important folklore resources under paragraph (1).

#### **Article 14 (Review on Appropriateness of Protective Facilities or Protection Zones)**

(1) The Administrator of the Cultural Heritage Administration may request the Mayor/ Do Governor to present the following data to review the appropriateness of designation or adjustment of protective facilities or protection zones (hereinafter referred to as "appropriateness of a protection zone, etc.") pursuant to [Article 27 \(3\) of the Act](#). In such cases, the Mayor/ Do Governor in receipt of a request for presentation of the relevant data shall present requested data to the Administrator of the Cultural Heritage Administration within 30 days after receiving such request unless any extenuating circumstance exists:

1. Opinions of an owner, custodian and management organization of the relevant designated cultural heritage, and of an owner of land or a building within the relevant protective facility or protection zone concerning the appropriateness of a protection zone, etc.;
2. Data on the historic and cultural environment of a protective facility or protection zone;

3. Other data necessary for reviewing the appropriateness of a protection zone, etc.
- (2) The Administrator of the Cultural Heritage Administration shall hear opinions of at least three relevant experts, such as members of the Cultural Heritage Committee or expert members, etc. concerning the appropriateness of the relevant protection zone, etc. in reviewing the appropriateness of a protection zone, etc. pursuant to [Article 27 \(3\) of the Act](#).
- (3) Where the Administrator of the Cultural Heritage Administration deems it necessary to adjust the relevant protective facility or protection zone based on the result of reviewing the appropriateness of the protection zone, etc., he/she shall give prior notice of the details thereof in the Official Gazette for at least 30 days.
- (4) The Administrator of the Cultural Heritage Administration shall determine whether to adjust the relevant protective facility or protection zone, following deliberation thereon by the Cultural Heritage Committee within six months from the date on which prior notice given under paragraph (3) ends.
- (5) Where the Administrator of the Cultural Heritage Administration fails to determine the adjustment under paragraph (4) within six months due to inevitable grounds, such as an objection, etc. raised by stakeholders, but needs to redetermine the adjustment, he/she shall undergo the procedures for giving prior notice under paragraph (3) and for conducting adjustment under paragraph (4) again.
- (6) Where the Administrator of the Cultural Heritage Administration determines the adjustment of a protective facility or protection zone under paragraph (4), he/she shall publicly announce the purport thereof in the Official Gazette, and promptly inform an owner, custodian or management organization of the relevant designated cultural heritage and the owner of land or a building within the relevant protective facility or protection zone of the details thereof.

#### **Article 15 (Postponement of Time to Review Appropriateness of Protective Facilities or Protection Zones)**

Cases where the time to review the appropriateness of a protection zone, etc. may be postponed pursuant to the proviso to [Article 27 \(3\) of the Act](#) and the period therefor are as follows:

1. Where it is impossible to review the appropriateness of a protection zone, etc. due to inevitable grounds, such as war or natural disaster: By one year from the date on which such grounds cease to exist;
2. Where cultural heritage, the time to review the appropriateness of the protection zone, etc. of which has arrived under [Article 27 \(3\) of the Act](#), or its protective facility or protection zone is in litigation: By one year from the date on which such litigation is finished.

#### **Article 16 (Public Announcement of Designation, Recognition, and Revocation thereof)**

Where the Administrator of the Cultural Heritage Administration designates any State-designated cultural heritage, recognizes a holder, holding organization, or an honorary holder of any important intangible cultural heritage pursuant to [Articles 28 and 31 \(5\) of the Act](#), or revokes such designation or recognition, he/she shall publicly announce the following matters:

1. The category, designation number, name, quantity, location or depository of State-designated cultural heritage;
2. The name, quantity, and location of protective facilities and protection zone of State-designated cultural heritage;
3. The name and address of an owner or possessor of State-designated cultural heritage and its protective facilities or protection zone;
4. The name, gender, date of birth, address or date of death of a holder or honorary holder of important intangible cultural heritage (the name, location, date of establishment of a holding organization and the name, gender, date of birth, and address of its representative, if the holder is an organization);
5. The reasons for the designation, recognition, or the revocation thereof.

#### **Article 17 (Presentation of Data for Designation)**

Where cultural heritage is to be designated or a holder or holding organization of important intangible cultural heritage is to be recognized under [Articles 23 through 27 of the Act](#), a Mayor/ Do Governor shall promptly report his/her intentions to the Administrator of the Cultural Heritage Administration with necessary data for designation or recognition, including but not limited to photographs, drawings, audio records, as determined by Ordinance of the Ministry of Culture, Sports and Tourism.

#### **Article 18 (Revocation of Recognition of Holders or Holding Organizations of Important Intangible Cultural Heritage)**

"Grounds prescribed by Presidential Decree" in [Article 31 \(2\) 4 of the Act](#) are as follows:

1. Where a holder of important intangible cultural heritage is sentenced to a fine or heavier

punishment for a ground other than the public performance, exhibition, examination of traditional culture under [Article 31 \(2\) 2 of the Act](#) and the sentence becomes final and conclusive;

2. A failure to provide initiation into skills or artistic talents under [Article 41 \(2\) of the Act](#) for two years without any specific ground;
3. A failure to disclose skills or artistic talents of important intangible cultural heritage to the public under [Article 50 \(1\) of the Act](#) for two years without any specific ground.

#### **Article 19 (Provisional Designation)**

Where the Administrator of the Cultural Heritage Administration provisionally designates cultural heritage as important cultural heritage pursuant to [Article 32 \(1\) of the Act](#), he/she shall do so by classifying it as a national treasure or treasure under [Article 23 of the Act](#), a historic site, scenic area, or natural monument under [Article 25 of the Act](#), or an important folklore resource under [Article 26 of the Act](#).

#### **Article 20 (Establishment of Comprehensive Maintenance Plans by Cultural Heritage)**

(1) A management organization designated to manage State-designated cultural heritage pursuant to [Article 34 of the Act](#) may establish a comprehensive maintenance plan by cultural heritage (hereafter referred to as "maintenance plan" in this Article), following consultation with the Administrator of the Cultural Heritage Administration to ensure the efficient preservation, management and utilization of the relevant State-designated cultural heritage.

(2) A maintenance plan to be established under paragraph (1) shall focus on preserving the original form of the relevant cultural heritage, and shall include the following matters:

1. Matters concerning the purposes and scope of the maintenance plan;
2. Matters concerning the historic and cultural environment of cultural heritage;
3. Matters concerning historical and academic research on cultural heritage;
4. Matters concerning the preservation, management and utilization of cultural heritage, including repair, restoration, etc. thereof;
5. Matters concerning securing management and operation personnel of cultural heritage, and investment finance;
6. Other necessary matters for the maintenance of cultural heritage.

(3) The Administrator of the Cultural Heritage Administration may set forth necessary matters concerning procedures for and methods of establishing a maintenance plan under paragraph (1), its content, the implementation thereof, etc. by kind or type of cultural heritage.

#### **Article 21 (Permission Procedures)**

A person who intends to obtain permission from the Administrator of the Cultural Heritage Administration under [Article 35 of the Act](#) shall submit an application for permission stating the category, designation number, name, quantity, location, etc. of the relevant State-designated cultural heritage to the Administrator of the Cultural Heritage Administration via the Governor of the competent Special Self-Governing Province, or the head of the competent *Sil Gunl Gu* (referring to the head of an autonomous *Gu*; hereinafter the same shall apply), and the same shall apply in cases where he/she intends to change the matters already permitted. In such cases, the head of a *Sil Gunl Gu* shall inform the competent Mayor/ Do Governor of matters, etc. for which permission is applied: *Provided*, That an application for a permit to do any act referred to in [Article 35 \(1\) 3 of the Act](#), or for change to the matters already permitted, and an application for alteration in the current state of State-designated cultural heritage directly managed by the Administrator of the Cultural Heritage Administration, or for change to the matters already permitted may be filed without going through the Governor of a Special Self-Governing Province, or the head of a *Sil Gunl Gu*.

#### **Article 22 (Permits)**

The Administrator of the Cultural Heritage Administration shall issue a certificate of permission stating the name of an applicant, the relevant cultural heritage, permitted matters, period and conditions of permission, and other relevant matters to the applicant via the Governor of the competent Special Self-Governing Province, or the head of the competent *Sil Gunl Gu* when granting permission pursuant to [Article 36 of the Act](#). In such cases, the Administrator of the Cultural Heritage Administration shall inform the competent Mayor/ Do Governor (excluding the Governor of a Special Self-Governing Province) of the permitted matters, etc: *Provided*, That where the Administrator of the Cultural Heritage Administration grants permission for any acts referred to in [Article 35 \(1\) 3 of the Act](#), or for alteration in the current state of State-designated cultural heritage directly managed by himself/herself, he/she may choose not to go through the Governor of a Special Self-Governing Province, or the head of a *Sil Gunl Gu*, or not to inform the competent Mayor/ Do Governor of the permitted matters, etc.

### Article 23 (Reporting on Appointment of Custodians, etc.)

A person who intends to report State-designated cultural heritage in accordance with [Article 40 \(1\) and \(2\) of the Act](#) shall submit a report on appointment of a custodian or any other event, describing the category, designation number, name, quantity, location, etc. of such State-designated cultural heritage to the Administrator of the Cultural Heritage Administration via the head of the competent *Sil Gun/ Gu* and the competent Mayor/ *Do* Governor within 15 days from the date on which such event occurs: *Provided*, That in cases applicable under [Article 40 \(1\) 9 of the Act](#), he/she may submit the report within three months from the date of designation.

### Article 24 (Initiation)

(1) Pursuant to [Article 41 \(2\) of the Act](#), the Administrator of the Cultural Heritage Administration may permit a holder or holding organization of important intangible cultural heritage to issue a certificate of completion of initiation to the persons whose skills or artistic talents are deemed to have reached a considerable level by examining the skills or artistic talents of the persons who have received initiation into such important intangible cultural heritage for at least three years.

(2) Where a holder or holding organization of important intangible cultural heritage examines skills or artistic talents in order to issue a certificate of completion of initiation pursuant to paragraph (1), he/she or it shall require at least three persons, including another holder of such important intangible cultural heritage and specialists who have considerable knowledge and experience in such important intangible cultural heritage to participate in the examination, and shall preserve and manage the records of the examination and evaluation of the skills or artistic talents for five years.

(3) A holder or holding organization of important intangible cultural heritage that has issued a certificate of completion of initiation pursuant to paragraph (1) shall notify the Administrator of the Cultural Heritage Administration of the facts thereof within one month.

### Article 25 (Exceptions to Initiation)

Cases where a holder of important intangible cultural heritage is discharged from the obligation to initiate into such important intangible cultural heritage in accordance with the proviso to [Article 41 \(2\) of the Act](#) are as follows:

1. Where 1. Where it is impossible for him/her to provide initiation due to his/her illness or any other accidents;
2. Where 2. Where he/she is to carry out research or take a training course in a foreign university, college, or research institute for not less than one year.

### Article 26 (Assistant Instructors for Initiation)

(1) The Administrator of the Cultural Heritage Administration may select instructors for initiation into important intangible cultural heritage among persons who have been issued a certificate of completion of initiation under [Article 24 \(1\)](#) and have been engaged in initiation activities for at least five years, as determined by Ordinance of the Ministry of Culture, Sports and Tourism, in order to permit them to assist the holder or holding organization of such important intangible cultural heritage in providing initiation.

(2) Expenses incurred in assisting in providing initiation may be reimbursed to the assistant instructors for initiation into important intangible cultural heritage selected under paragraph (1).

### Article 27 (Scholarship Students for Initiation)

(1) Pursuant to [Article 41 \(4\) of the Act](#), the Administrator of the Cultural Heritage Administration shall determine categories of important intangible cultural heritage for which students who receive initiation are eligible for scholarships, following deliberation thereon by the Cultural Heritage Committee.

(2) The Administrator of the Cultural Heritage Administration may select scholarship students for transferal education among persons who undergo education for transferal of important intangible cultural heritage applicable to categories determined under paragraph (1), upon the recommendation of the holder or holding organization of the important intangible cultural heritage.

(3) Where a person selected as a scholarship student for transferal education under paragraph (2) falls under any of the following cases, any holder or holding organization of the important intangible cultural heritage shall report it to the Administrator of the Cultural Heritage Administration without delay:

1. Where the person is unable to undergo education for transferal of the important intangible cultural heritage due to a physical or mental disability or any other reason;
2. Where the person has obtained poor grades in the transferal education.

(4) Where a scholarship student for transferal education falls under any subparagraph of paragraph (3), the Administrator of the Cultural Heritage Administration shall discontinue to pay the scholarship.

(5) Necessary matters concerning the criteria for the selection of scholarship students for the

transferral education, the duration of the transferral education, the recommendation, and other relevant matters shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism.

#### **Article 28 (Entrustment of Regular Investigations)**

Pursuant to [Article 44 \(6\) of the Act](#), the Administrator of the Cultural Heritage Administration shall entrust any of the following institutions or organizations with regular investigations or reinvestigations of State-designated cultural heritage:

1. A corporation or organization established with the objective of investigation, research, education, repair works, or academic activities related to cultural heritage;
2. A museum or art gallery provided for in [Articles 10 and 12 through 14](#) under the [Museum and Art Gallery Support Act](#);
3. A cultural heritage-related research institution or an industry-academic cooperation foundation affiliated with a school provided for in [Article 2 of the Higher Education Act](#).

#### **Article 29 (Request for Compensation for Loss)**

A person who intends to be compensated for his/her loss pursuant to [Article 46 of the Act](#) shall file an application stating the category, designation number, quantity, location or depository of the State-designated cultural heritage with the Administrator of the Cultural Heritage Administration, along with evidential documents.

#### **Article 30 (Exceptions to Public Disclosure of Skills or Artistic Talents)**

Cases where a holder of important intangible cultural heritage is discharged from the obligation to disclose his/her skills or artistic talent (hereinafter referred to as "skills or artistic talent") to the public in accordance with [Article 50 \(1\) of the Act](#) are as follows:

1. Where it is impossible for him/her to disclose skills or artistic talent to the public due to his/her illness or any other accident;
2. Where he/she is to carry out research or take a training course in a foreign university, college, or research institute for not less than one year.

#### **Article 31 (Method of Public Disclosure of Skills or Artistic Talents)**

Where any holder of important intangible cultural heritage discloses skills or artistic talents in accordance with [Article 50 \(1\) of the Act](#), he/she shall present a public performance or demonstration to the public at an open place, such as on a stage or in a public square.

#### **Article 32 (Subsidization of Expenses for Public Disclosure of Skills and Artistic Talent)**

(1) Where the Administrator of the Cultural Heritage Administration fully or partially subsidizes expenses incurred in disclosing skills or artistic talents to the public within budgetary limit pursuant to [Article 50 \(3\) of the Act](#), he/she may grant a differential subsidy, considering the nature, characteristics, and other factors of each category of important intangible cultural heritage.

(2) A person who intends to receive a subsidy for the public disclosure pursuant to [Article 50 \(3\) of the Act](#) shall submit a plan for public performance to the Administrator of the Cultural Heritage Administration before holding an event for such public performance, and shall, upon completion of the event, report the results of the public performance to the Administrator of the Cultural Heritage Administration within 30 days from the date on which such event ends.

#### **Article 33 (Reporting on Appointment, etc. of Custodians of Registered Cultural Heritage)**

Where a case falling under any subparagraph of [Article 55 of the Act](#) arises, an owner or custodian of registered cultural heritage or a person designated under [Article 54 \(2\) of the Act](#) shall report such fact to the Administrator of the Cultural Heritage Administration via the head of a *Sil Gun/ Gu* or the Mayor/ Do Governor, within 15 days from the date on which such case arises.

#### **Article 34 (Standards and Procedures for Permission for Alteration of Current State of Registered Cultural Heritage)**

(1) A person who intends to obtain permission for the alteration of current state or to alter permitted matters pursuant to [Article 56 \(2\) of the Act](#) shall file an application for permission stating the designation number, name, quantity, and location of the registered cultural heritage with the Administrator of the Cultural Heritage Administration via the Governor of the competent Special Self-Governing Province or the head of the competent *Sil Gun/ Gu*. In such cases, the head of a *Sil Gun/ Gu* shall inform the competent Mayor/ Do Governor of matters, etc. for which permission is applied.

(2) The Administrator of the Cultural Heritage Administration, in receipt of an application for permission under paragraph (1), shall grant such permission only if an activity for which permission is applied does not affect the basic style, structure, and features of the registered cultural heritage.

(3) Where the Administrator of the Cultural Heritage Administration intends to grant permission under paragraph (2), he/she shall issue a certificate of permission (including revised permission) stating the name of the applicant, the relevant cultural heritage, permitted matters, period and

conditions of permission, and other relevant matters, to the applicant via the Governor of the competent Special Self-Governing Province or the head of the competent *Sil Gun/ Gu*. In such cases, the Administrator of the Cultural Heritage Administration shall inform the competent Mayor/ Do Governor (excluding the Governor of a Special Self-Governing Province) of permitted matters, etc.

#### **Article 35 (Building-to-Land Ratios, Floor Space Ratios, etc. of Registered Cultural Heritage)**

(1) The building-to-land ratio and floor space ratio of registered cultural heritage under [Article 57 of the Act](#) shall be determined within the limit of 150 percent of the building-to-land ratio and floor space ratio applicable to each specific-use area under [Articles 84 and 85 of the Enforcement Decree of the National Land Planning and Utilization Act](#), taking into consideration the structure, features, and surrounding landscape of such registered cultural heritage, but the specific ratios shall be determined by ordinances of the competent local government.

(2) Where the head of a local government grants a building permit by applying the special exception to the building-to-land ratio and the floor space ratio stipulated under paragraph (1), he/she shall notify the Administrator of the Cultural Heritage Administration of the details of the permit within 15 days from the date on which such permit is granted.

#### **Article 36 (Scope of Ordinary Movable Cultural Heritage)**

(1) Ordinary movable cultural heritage under [Article 60 \(1\) of the Act](#) shall be limited to pictures, sculptures, stonework, artifacts, classical books, old documents, letters, calligraphy carving, modern media, archaeological resources, natural history resources, scientific and technical tools, folklore resources and foreign cultural heritage.

(2) The detailed scope of ordinary movable cultural heritage under paragraph (1) shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism.

#### **Article 37 (Verification of Ordinary Movable Cultural Heritage)**

(1) Where the Administrator of the Cultural Heritage Administration intends to verify pursuant to [Article 60 \(5\) of the Act](#), he/she shall receive an expert's appraisal.

(2) Necessary matters concerning the qualification of appraisers under paragraph (1) and the procedure and guidelines for the appraisal shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism.

#### **Article 38 (Schemes for Preservation and Management of Ordinary Movable Cultural Heritage)**

(1) Any scheme for the preservation and management of cultural heritage under [Article 61 \(2\) of the Act](#) shall include the following:

1. Current status of ordinary movable cultural heritage;
2. Details of acquisition of ordinary movable cultural heritage and the history of its management and repair;
3. Cultural heritage that requires improvement in preservation and management and the measures for such improvement (including the details of such measures and the time table and method of taking such measures);
4. Plans for the preservational treatment of ordinary movable cultural heritage and the utilization thereof for academic research, etc.

(2) The head of a State agency or a local government in receipt of a request from the Administrator of the Cultural Heritage Administration pursuant to [Article 61 \(3\) of the Act](#), shall report a scheme for the preservation and management of the relevant cultural heritage to the Administrator of the Cultural Heritage Administration within 30 days from the date on which he/she is so requested.

#### **Article 39 (Prior Consultation and Recommendation on Designation of City/Do-Designated Cultural Heritage)**

(1) Where the Mayor/ Do Governor intends to have prior consultation with the Administrator of the Cultural Heritage Administration pursuant to the proviso to [Article 70 \(1\) of the Act](#) in order to designate important intangible cultural heritage as City/ Do-designated cultural heritage or to recognize its holder or holding organization, he/she shall submit data containing the following matters to the Administrator of the Cultural Heritage Administration:

1. The name of the important intangible cultural heritage he/she intends to designate as City/ Do-designated cultural heritage and the name and address of the person whom he/she intends to recognize as a holder of such intangible cultural heritage (referring to the name and the date of establishment of the holding organization and the name and address of its representative, if the holder is an organization);
2. The history of initiation of the holder or holding organization to be recognized (including a recent photograph of the holder or holding organization) and records of their activities;
3. The background of and needs for designating important intangible cultural heritage as City/ Do-designated cultural heritage.

(2) The Administrator of the Cultural Heritage Administration in receipt of a request for prior consultation pursuant to paragraph (1) shall review the appropriateness of the designation and recognition, and shall notify the competent Mayor/ Do Governor of the results thereof, following deliberation thereon by the Cultural Heritage Committee.

(3) Where the Administrator of the Cultural Heritage Administration recommends a Mayor/ Do Governor to designate and preserve cultural heritage as City/ Do-designated cultural heritage or cultural heritage resource (including its protective facilities or protection zone) pursuant to [Article 70 \(3\) of the Act](#), the Mayor/ Do Governor shall determine whether to grant designation within one year from the date on which he/she is so recommended, following deliberation thereon by a City/ Do Cultural Heritage Committee under [Article 71 \(1\) of the Act](#).

#### **Article 40 (Reporting)**

Where a case falling under any subparagraph of [Article 73 \(1\) of the Act](#) arises, the Mayor/ Do Governor shall report it to the Administrator of the Cultural Heritage Administration within 15 days from the date on which such case arises.

#### **Article 41 (Permission for Cultural Heritage Trade Business)**

(1) A person who needs to obtain permission for cultural heritage trade business under [Article 75 \(1\) of the Act](#) shall be those who intend to engage in business of trading or exchanging tangible cultural heritage or tangible folklore resources (including any person who engages in such business on commission) which are categorizable as movable property and produced at least 50 years ago.

(2) A person who intends to obtain permission for cultural heritage trade business in accordance with [Article 75 \(1\) of the Act](#) shall file an application for permission with the Governor of a Special Self-Governing Province or the head of a *Sil Gun/ Gu*, as determined by Ordinance of the Ministry of Culture, Sports and Tourism.

(3) Every cultural heritage dealer shall annually report actual circumstances along with documents stating the current status of the preservation of cultural heritage under paragraph (1) and the current status of their trade and exchanges to the Governor of a Special Self-Governing Province or the head of a *Sil Gun/ Gu* by January 31 of the following year, as determined by Ordinance of the Ministry of Culture, Sports and Tourism in accordance with [Article 75 \(2\) of the Act](#).

(4) The Governor of a Special Self-Governing Province or the head of a *Sil Gun/ Gu* in receipt of a report on the actual circumstances under paragraph (3) shall report it to the Administrator of the Cultural Heritage Administration by the last day of February of the following year via the competent Mayor/ Do Governor (excluding the Governor of a Special Self-Governing Province).

#### **Article 42 (Delegation of Authority)**

The Administrator of the Cultural Heritage Administration shall delegate his/her authority over the following matters to the competent Mayor/ Do Governor pursuant to [Article 82 of the Act](#):

1. Permission to raise, grow, or sample a natural monument publicly announced by the Administrator of the Cultural Heritage Administration, or stuff, bury or incinerate a dead natural monument and the revocation thereof under [Article 35 \(1\) 1 of the Act](#);
2. Permission to do any of the following acts and the revocation thereof under [Article 35 \(1\) 1 of the Act](#): *Provided*, That permission for State-designated cultural heritage and the revocation thereof shall be excluded herefrom:
  - (a) Repairing a structure to reinstate it in its original form;
  - (b) Repairing a Korean-style wall built in traditional style to reinstate it in its original form;
  - (c) Newly erecting, renovating, or extending a building in conformity with the specifications determined by the Administrator of the Cultural Heritage Administration;
  - (d) Installing electric facilities under the [Electric Utility Act](#) and fire-fighting systems under the [Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act](#);
  - (e) Installing a marker stone, an information board, or a warning board;
  - (f) Installing an iron railing or a stone fence;
  - (g) Ordinary protection and maintenance works, such as pruning trees and plants, preventing damage by blight and harmful insects, and spreading fertilizer;
  - (h) Collecting seeds or seedlings (saplings or sprouts for cutting) for academic activities or research or preservation of species;
3. Permission to construct a building or install a facility meeting the standards determined by the Administrator of the Cultural Heritage Administration, taking into consideration the characteristics of cultural heritage and the revocation thereof under [Article 35 \(1\) 1 or 2 of the Act](#);
4. Permission to do minor acts determined and publicly announced by the Administrator of the Cultural Heritage Administration, among acts determined by Ordinance of the Ministry of Culture, Sports and Tourism which are likely to affect the preservation of State-designated

- cultural heritage under [Article 35 \(1\) 2 of the Act](#) and revised permission therefor;
5. Permission to shoot State-designated cultural heritage (excluding State-designated cultural heritage restricted to be disclosed to the public pursuant to [Article 48 \(2\) of the Act](#)) and the revocation thereof under [Article 35 \(1\) 3 of the Act](#);
  6. Permission to do any act publicly announced by the Administrator of the Cultural Heritage Administration and the revocation thereof under [Article 35 \(1\) 4 of the Act](#);
  7. Acceptance of reports in connection with permission falling under subparagraphs 1 and 2 under [Article 40 \(1\) 7 of the Act](#);
  8. Consultation for permission or revised permission under [Article 87 \(1\) 3 of the Act](#) and the notification under [Article 47 \(2\)](#);
  9. Hearings on authority delegated to the Mayor/ Do Governor among authority provided for in each subparagraph of [Article 88 of the Act](#).

#### **Article 43 (Scope of Investigative Agencies)**

- (1) The investigative agencies under [Article 86 of the Act](#) are the following agencies:
  1. Public Prosecutors;
  2. Judicial police officers under [Article 196 of the Criminal Procedure Act](#);
  3. Persons who perform the duties of a judicial police officer pursuant to [Article 47 of the Public Prosecutor's Office Act](#);
  4. State public officials or local public officials under subparagraph 14 of Article 5 of the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of their Duties;
  5. Customs officials under [Article 295 of the Customs Act](#).
- (2) No person falling under any subparagraph of paragraph (1) may be an informant under [Article 86 \(1\) of the Act](#).

#### **Article 44 (Handling Information Received)**

An investigative agency in receipt of any information under [Article 86 of the Act](#) shall prepare a record of information and submit it to the Administrator of the Cultural Heritage Administration, as determined by Ordinance of the Ministry of Culture, Sports and Tourism.

#### **Article 45 (Payment of Bounties)**

- (1) Guidelines for the payment of bounties under [Article 86 of the Act](#) are as follows:

Class	Amount of Bounties
Class 1	20 million won
Class 2	15 million won
Class 3	10 million won
Class 4	5 million won
Class 5	2 million won

- (2) Guidelines for the payment of bounties under paragraph (1) shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism.

#### **Article 46 (Distribution of Bounties)**

- (1) An amount equivalent to 50/100 of the total amount of the bounty determined by case pursuant to [Article 45](#) shall be reimbursed to an informant, and an amount equivalent to the remaining 50/100 shall be reimbursed to a person who has contributed to the arrest of offenders.
- (2) If at least two informants or persons have contributed to the arrest of offenders in cases under paragraph (1), the Administrator of the Cultural Heritage Administration shall determine the distribution of the bounty, taking into consideration the degree of contribution of each person: *Provided*, That if the persons who are entitled to the bounty have reached an agreement on distribution in advance, the distribution may be made according to the agreed amount or proportion.

#### **Article 47 (Designation, etc. of Historic Sites within Boundaries of Natural Park Areas)**

(1) Cases for which consultation with the competent park management authority is required pursuant to [Article 87 \(1\) of the Act](#) are as follows:

1. In cases under [Article 87 \(1\) 1 or 2 of the Act](#): Where an area or zone of not less than 30,000 square meters is designated within a park area under the [Natural Parks Act](#);
2. In cases under [Article 87 \(1\) 3 of the Act](#): Where permission or revised permission under [Article 35 \(1\) of the Act](#) is granted in a park area under the [Natural Parks Act](#) (limited to cases referred to in each subparagraph of [Article 23 \(1\) of the Natural Parks Act](#), but excluding extending, renovating, reconstructing, or relocating State-designated or City/ Do-designated cultural heritage or a cultural heritage resource, or its protective facility, or painting the exterior of such cultural heritage, resource or facility).

(2) Where the Administrator of the Cultural Heritage Administration designates an area or zone of less than 30,000 square meters within a park area under the [Natural Parks Act](#) and does an act falling under [Article 87 \(1\) 1 and 2 of the Act](#), he/she shall notify the competent park management authority of the details thereof.

#### **Article 48 (Standards for Imposition of Fines for Negligence)**

(1) Standards for the imposition of fines for negligence under [Article 103 of the Act](#) are as stipulated in attached Table 3.

(2) The Administrator of the Cultural Heritage Administration, a Mayor/ Do Governor or the head of a *Sil Gun/ Gu* may increase or decrease a fine for negligence up to 1/2 of its amount under the standards referred to in paragraph (1) in consideration of the motive, content, frequency, gravity, etc. of violations: *Provided*, That if so increased, the total amount of the fine for negligence may not exceed its ceiling provided for in [Article 103 of the Act](#).

### **ADDENDA**

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

This Decree shall enter into force on February 5, 2011.

#### **Article 2 (Transitional Measures concerning Selection of Assistant Instructors for Initiation)**

The former provisions shall apply to a person who is undergoing a procedure for selecting assistant instructors for initiation into important intangible cultural heritage under the former provisions as at the time this Decree enters into force, notwithstanding [Article 26](#).

#### **Article 3 (Transitional Measures concerning Recommendation on Designation of City/ Do-Designated Cultural Heritage)**

The Mayor/ Do Governor who is recommended to designate or preserve cultural heritage as City/ Do-designated cultural heritage or cultural heritage resource (including its protective facilities or protection zones) from the Administrator of the Cultural Heritage Administration under the former provisions as at the time this Decree enters into force shall determine whether to designate as such, following deliberation thereon by the competent City/ Do Cultural Heritage under [Article 71 \(1\) of the Act](#) within one year from the date this Decree enters into force.

#### **Article 4 (General Transitional Measures concerning Administrative Dispositions, etc.)**

An act performed by or in relation to an administrative agency under the former provisions as at the time this Decree enters into force shall be deemed an act performed by or in relation to an administrative agency under this Decree corresponding thereto.

#### **Article 5 Omitted.**

#### **Article 6 (Relationship with Other Acts and Subordinate Statutes)**

A citation of any provision of the former Enforcement Decree of the Cultural Heritage Employment Protection Act by any other Acts or subordinate statutes as at the time this Decree enters into force shall be deemed a citation of the provisions of this Decree in lieu of the former provisions, if such corresponding provision exists herein.