

ENFORCEMENT DECREE OF THE TERRITORIAL SEA AND CONTIGUOUS ZONE ACT

Presidential Decree No. 9162, Sep. 20, 1978
Amended by Presidential Decree No. 13463, Sep. 7, 1991
Presidential Decree No. 15133, Jul. 31, 1996
Presidential Decree No. 17803, Dec. 18, 2002
Presidential Decree No. 20544, Jan. 11, 2008

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Territorial Sea and Contiguous Zone Act (hereinafter referred to as the "Act") and those necessary for its enforcement. *<Amended by Presidential Decree No. 15133, Jul. 31, 1996>*

Article 2 (Points of Straight Baselines)

In measuring the breadth of the territorial sea, each area of the sea where straight lines are employed as baselines and the points thereof in accordance with the provisions of Article 2 (2) of the Act shall be prescribed in attached Table 1 annexed hereto.

Article 3 (Breadth of Territorial Sea in Korea Strait)

In accordance with the provisions of the proviso of Article 1 of the Act, the territorial sea in the seas forming the Korea Strait used for international navigation shall be the area of the sea on the landward side of the line joining the lines as prescribed in Table 2 annexed hereto.

Article 4 (Passage of Foreign Warships or Other Government Ships)

If a foreign warship or another government ship operated for non commercial purposes intends to navigate through the territorial sea, it shall notify the following particulars to the Minister of Foreign Affairs and Trade not later than three days (excluding public holidays) prior to its passage in accordance with the latter part of Article 5 (1) of the Act, except in cases where the area of the sea through which the said ship navigates forms a strait used for international navigation in which no high seas lanes exist: *<Amended by Presidential Decree No. 17803, Dec. 18, 2002>*

1. Name, type and official number of the ship;
2. Purpose of the passage;
3. Passage route and schedule.

Article 5 (Activities of Foreign Ships in Territorial Sea)

(1) If a foreign ship intends to conduct any of the activities as provided in Article 5 (2) 2 through 5, 11 or 13 of the Act, it shall submit an application specifying the following particulars to the Minister of Foreign Affairs and Trade and shall obtain permission, approval or consent from the authorities concerned:

<Amended by Presidential Decree No. 17803, Dec. 18, 2002>

1. Name, type and official number of the ship;
2. Purpose of the activity;
3. Area of the seas of the activity, passage route and schedule.

(2) Any permission, approval or consent obtained from the authorities concerned with respect to the activities provided for in Article 5 (2) 5 through 11 of the Act in accordance with other Acts and subordinate statutes shall be regarded as permission, approval or consent obtained under this Decree.

Article 6 (Standards for Control of Discharge of Pollutants)

The term "standards as prescribed by the Presidential Decree" in Article 5 (2) 9 of the Act means the standards under Article 47 of the Enforcement Decree of the Marine Environment Management Act.

<Amended by Presidential Decree No. 20544, Jan. 11, 2008>

Article 7 (Temporary Suspension of Innocent Passage)

(1) The temporary suspension of the innocent passage of a foreign ship in specified areas of the territorial sea in accordance with Article 5 (3) of the Act shall be effected by the Minister of National Defense, subject to, in advance, deliberation by the State Council and approval of the President.

(2) Upon approval of the President under the provisions of paragraph (1), the Minister of National Defense shall, without delay, give public notice to the area of the sea in which the innocent passage is suspended temporarily, the duration of suspension, and the reasons therefor.

ADDENDA

(1) (Enforcement Date) This Decree shall enter into force on September 20, 1978.

(2) Omitted.

ADDENDA <Presidential Decree No. 13463, Sep. 7, 1991>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 9, 1991.

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 15133, Jul. 31, 1996>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 1, 1996.

Article 2 Omitted.

ADDENDA <Presidential Decree No. 17803, Dec. 18, 2002>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of the attached Table 1 shall take effect on January 1, 2003.

(2) (Repeal of Other Statutes) The Decree on the Enforcement Date, etc. of the Territorial Sea Act is hereby repealed.

ADDENDA <Presidential Decree No. 20544, Jan. 11, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 20, 2008. (Proviso Omitted.)

Articles 2 through 5 Omitted.

