

# CULTURAL HERITAGE PROTECTION ACT

Wholly Amended by Act No.10000, Feb. 4, 2010

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purposes)

The purpose of this Act is to promote the cultural edification of Korean nationals and to contribute to the development of human culture by transferring national culture and enhancing it to be utilized through the preservation of cultural heritage.

### Article 2 (Definitions)

(1) The term "cultural heritage" in this Act means artificially or naturally formed national, racial, or world heritage of outstanding historic, artistic, academic, or scenic value, which is classified into the following categories:

1. Tangible cultural heritage: Tangible cultural works of an outstanding historic, artistic, or academic value, such as buildings, records, books, ancient documents, paintings, sculptures, artifacts, etc., and other archeological resources similar thereto;
2. Intangible cultural heritage: Intangible cultural works of outstanding historic, artistic, or academic value, such as a drama, music, dance, game, ritual, craft skills, etc.;
3. Monuments: Those classified into the following categories:
  - (a) Historic sites, such as temple sites, ancient tombs, shell mounds, fortress ruins, old palace ruins, kiln sites, relic-containing strata, etc., and particularly commemorable facilities, of outstanding historic or academic value;
  - (b) Scenic sites of outstanding artistic value and excellent scenic view;
  - (c) Animals (including their habitats, breeding grounds and migratory places), plants (including their wild growth areas), topography, geology, minerals, caves, biological produce, and extraordinary natural phenomena of outstanding historic, scenic, or academic value;
4. Folklore resources: Customs or traditions related to food, clothing, housing, trades, religion, annual observances, etc., and clothing, implements, houses, etc. used therefor which are essential for understanding changes in the life of nationals.

(2) The term "designated cultural heritage" in this Act means the following:

1. State-designated cultural heritage: Cultural heritage designated by the Administrator of the Cultural Heritage Administration pursuant to [Articles 23 through 26](#);
2. City/Do-designated cultural heritage: Cultural heritage designated by the Special Metropolitan City Mayor, the competent Metropolitan City Mayor or Do Governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as the "Mayor/ Do Governor") pursuant to [Article 70 \(1\)](#);
3. Cultural heritage resources: Cultural heritage designated by the Mayor/ Do Governor pursuant to [Article 70 \(2\)](#) among those not designated pursuant to subparagraph 1 or 2.

(3) The term "registered cultural heritage" in this Act means cultural heritage registered by the Administrator of Cultural Heritage Administration pursuant to [Articles 53](#) among those other than designated cultural heritage.

(4) The term "protection zone" in this Act means any area designated to protect any designated cultural heritage, excluding a tangible object fixed on the ground, or if a certain area is designated as a cultural heritage, an area where the designated cultural heritage occupies.

(5) The term "protective facilities" in this Act means any buildings or facilities designated to protect cultural heritage.

(6) The term "historic and cultural environment" in this Act means the natural view surrounding cultural heritage, or any space of outstanding historic and cultural value that is a surrounding environment that needs to be protected together with the relevant cultural heritage.

(7) The term "construction works" in this Act means civil works, construction works, landscaping works, or any construction works prescribed by Presidential Decree that involve a change in the original form of land or seabed.



(8) The term "cultural heritage overseas" means any cultural heritage expatriated from the Republic of Korea, and currently located outside the territory of the Republic of Korea.

### **Article 3 (Basic Principle of Protection of Cultural Heritage)**

The basic principle for the preservation, management, and utilization of cultural heritage is to preserve them in their original state.

### **Article 4 (Duties of State, Local Governments, etc.)**

- (1) The State shall establish and implement comprehensive measures for the preservation, management and utilization of cultural heritage.
- (2) Local governments shall establish and implement measures for the preservation, management and utilization of cultural heritage, in consideration of the State's measures and regional characteristics.
- (3) The State and local governments shall endeavor not to damage cultural heritage, protective facilities and protection zones of the cultural heritage, and historic and cultural environment in planning and executing various development projects.
- (4) Korean nationals shall actively cooperate in the State's and local governments' measures for the preservation and management of cultural heritage.

### **Article 5 (Relationship with other Acts)**

- (1) Unless otherwise provided for in other Acts, the preservation, management and utilization of cultural heritage shall be governed by this Act.
- (2) The repair, actual measurement, design and supervision of designated cultural heritage (including provisionally designated cultural heritage under [Article 32](#)) and the protection and investigation of buried cultural heritage shall be stipulated by separate Acts.

## **CHAPTER II ESTABLISHMENT AND IMPLEMENT OF PROTECTION POLICIES FOR CULTURAL HERITAGE**

### **Article 6 (Establishment of Master Plans for Cultural Heritage)**

- (1) The Administrator of the Cultural Heritage Administration shall establish a comprehensive master plan providing for the following matters (hereinafter referred to as "master plan for cultural heritage") every five years, following consultation with the competent Mayor/ Do Governor for the preservation, management and utilization of cultural heritage:
  1. Basic direction-setting and objectives for the preservation of cultural heritage;
  2. Analysis and evaluation of the former master plan for cultural heritage;
  3. Matters concerning the repair, maintenance and restoration of cultural heritage;
  4. Matters concerning a historic and cultural environment of cultural heritage;
  5. Matters concerning the safety control of cultural heritage;
  6. Matters concerning the informatization of cultural heritage data;
  7. Matters concerning raising financial resources used to preserve cultural heritage;
  8. Other necessary matters for the preservation, management and utilization of cultural heritage.
- (2) The Administrator of the Cultural Heritage Administration shall hear opinions of owners, custodians or management organizations prescribed by Presidential Decree and relevant experts in establishing a master plan for cultural heritage.
- (3) Where the Administrator of the Cultural Heritage Administration establishes a master plan for cultural heritage, he/she shall inform the competent Mayor/ Do Governor of such plan, and give public notice thereof on the Official Gazette.
- (4) The Administrator of the Cultural Heritage Administration may request the Mayor/ Do Governor to present data on cultural heritage in his/her jurisdiction if necessary for establishing a master plan for cultural heritage.

### **Article 7 (Establishment of Implementation Plans for Preservation of Cultural Heritage)**

- (1) The Administrator of the Cultural Heritage Administration and the Mayor/ Do Governor shall establish and implement an annual implementation plan concerning the master plan for cultural heritage.
- (2) Where the Mayor/ Do Governor has established an annual implementation plan or has completed implementing it pursuant to paragraph (1), he/she shall present the results thereof to the Administrator of the Cultural Heritage Administration.
- (3) Where the Administrator of the Cultural Heritage Administration and the Mayor/ Do Governor has established an annual implementation plan, they shall publicly announce it.
- (4) Those subject to presentation of annual implementation plans and results of their implementation, timing and procedures for presentation under paragraph (2), and methods for public announcements under paragraph (3) and other necessary matters shall be prescribed by



Presidential Decree.

#### **Article 8 (Establishment of Cultural Heritage Committee)**

(1) The Cultural Heritage Committee shall be established under the Cultural Heritage Administration to investigate and deliberate on the following matters concerning the preservation, management, and utilization of cultural heritage:

1. Matters concerning master plans for cultural heritage;
2. Matters concerning the designation of State-designated cultural heritage and the revocation of such designation;
3. Matters concerning the designation of protective facilities or protection zones for any State-designated cultural heritage and revocation of such designation;
4. Matters concerning the recognition of holders, honorary holders, or holding organizations of any important intangible cultural heritage and the revocation of such recognition;
5. Matters concerning the alteration of the current state of any State-designated cultural heritage;
6. Matters concerning the expatriation of any State-designated cultural heritage;
7. Matters concerning the protection of a historic and cultural environment for State-designated cultural heritage;
8. Matters concerning the registration of cultural heritage and cancellation of such registration;
9. Matters concerning the excavation and evaluation of buried cultural heritage;
10. Matters deemed important that are professional or technical matters concerning the preservation and management State-designated cultural heritage;
11. Other matters referred to the committee by the Administrator of the Cultural Heritage Administration for deliberation on the preservation, management, and utilization of cultural heritage.

(2) Members of the Cultural Heritage Committee shall be appointed by the Administrator of the Cultural Heritage Administration from among the following persons:

1. A person who is or was an associate professor in the faculty related to the preservation, management and utilization of cultural heritage in a university under the [Higher Education Act](#);
2. A person who has been engaged in business related to the preservation, management and utilization of cultural heritage for at least ten years;
3. An expert having abundant knowledge and experience in cultural heritage who has been engaged in business of anthropology, sociology, architecture, urban planning, tourism, environment, law, religion or the press for at least ten years.

(3) Subcommittees may be established under the Cultural Heritage Committee to investigate and deliberate on duties classified based on the kinds of cultural heritage for the matters stipulated under each subparagraph of paragraph (1).

(4) Any subcommittee under paragraph (3) may hold a meeting with another subcommittee (hereinafter referred to as "joint subcommittee") where necessary for investigation, deliberation, etc.

(5) The Cultural Heritage Committee, subcommittees and joint subcommittees shall prepare meeting minutes stating the following matters. In such cases, stenographic notes or audio or video tape recording may be permitted where deemed necessary:

1. The date, time, and venue of a meeting;
2. Members present at a meeting;
3. Details of deliberation and resolution.

(6) Meeting minutes prepared under paragraph (5) shall be disclosed to the public: *Provided*, That the relevant committee may resolve not to disclose them to the public in cases prescribed by Presidential Decree, such as having influence on property gains by a specific person, or infringing on a specific person's privacy, etc.

(7) Necessary matters concerning the organization, division of duties, operation, etc. of the Cultural Heritage Committee, subcommittees, and joint subcommittees shall be prescribed by Presidential Decree.

#### **Article 9 (Establishment of Korea Cultural Heritage Foundation)**

(1) The Korea Cultural Heritage Foundation (hereinafter referred to as the "Cultural Heritage Foundation") shall be established as an affiliate of the Cultural Heritage Administration to protect, preserve, popularize, and enhance cultural heritage and develop traditional life-style and culture.

(2) The Cultural Heritage Foundation shall be a juristic person.

(3) The Cultural Heritage Foundation shall have executives and necessary employees as stipulated by its articles of association.

(4) Except as otherwise provided for in this Act, provisions governing incorporated foundations



under the [Civil Act](#) shall apply *mutatis mutandis* to the Cultural Heritage Foundation.

(5) Expenses incurred in the operation of the Cultural Heritage Foundation may be subsidized by the National Treasury.

(6) Where deemed necessary for the Cultural Heritage Foundation to carry out its affairs, the State or a local government may permit it to use and benefit from any State-owned or public property without consideration.

### CHAPTER III CREATING FOUNDATION FOR PROTECTION OF CULTURAL HERITAGE

#### Article 10 (Basic Investigation of Cultural Heritage)

(1) The State and local governments may investigate the current state, management condition, etc. of existing cultural heritage, and prepare records thereon to prevent the loss of cultural heritage.

(2) The Administrator of the Cultural Heritage Administration and the head of a local government may either directly conduct an investigation or request the owner or custodian of the relevant cultural heritage or an organization, etc. related to the investigations and excavation of cultural heritage to present relevant data where necessary for an investigation under paragraph (1).

(3) Where the Administrator of the Cultural Heritage Administration or the head of a local government is to conduct an investigation into cultural heritage, other than designated cultural heritage, he/she shall obtain prior consent of the owner or custodian of the relevant cultural heritage.

(4) Necessary matters concerning detailed procedures, methods, etc. for investigations of cultural heritage shall be prescribed by Presidential Decree.

#### Article 11 (Facilitating Informatization of Cultural Heritage)

(1) The Administrator of the Cultural Heritage Administration shall build and operate an information system on cultural heritage to efficiently utilize investigated data under [Article 10](#) and other necessary data for the preservation and management of cultural heritage, and to enable Korean nationals to easily access and use cultural heritage information.

(2) The Administrator of the Cultural Heritage Administration may request the heads of the relevant central administrative agencies and local governments to present necessary data in order to build the information system on cultural heritage under paragraph (1).

(3) The scope of building the information system on cultural heritage under paragraph (1), its operation procedures, and other necessary matters shall be prescribed by Presidential Decree.

#### Article 12 (Protection of Cultural Heritage during Construction Works)

Where cultural heritage is likely to be damaged, destroyed, or submerged due to construction works, or where necessary for the protection of a historic and cultural environment of cultural heritage, the implementer of such construction works shall take necessary measures in compliance with instructions by the Administrator of the Cultural Heritage Administration. In such cases, expenses incurred in taking such measures shall be borne by the implementer of the construction works.

#### Article 13 (Protection of Preservation Areas of Historic and Cultural Environment)

(1) The Mayor/ Do Governor shall designate the preservation area of a historic and cultural environment by municipal ordinance, following consultation with the Administrator of the Cultural Heritage Administration in order to protect the historic and cultural environment of a designated cultural heritage (excluding cultural heritage that can be categorized as movable properties, and intangible cultural heritage; hereafter the same shall apply in this Article).

(2) With respect to construction works to be implemented in an area outside the outer boundary (referring to the boundary of a designated protection zone) of cultural heritage and within the preservation area of a historic and cultural environment designated by the Mayor/ Do Governor, an administrative agency in charge of the authorization, permission, etc. of the construction works shall examine whether the implementation of such construction works falls under any acts that could affect the preservation of designated cultural heritage before granting authorization, permission, etc. for the construction works.

(3) The scope of the preservation area of a historic and cultural environment shall be within 500 meters from the outer boundary, in consideration of the cultural, artistic, academic and scenic value of the relevant designated cultural heritage, its surrounding environment and other necessary matters for the protection of the cultural heritage: *Provided*, That where construction works are implemented in an area 500 meters away from the outer boundary of a designated cultural heritage due to characteristics, locational conditions, etc. of the cultural heritage and such



construction works is clearly deemed to affect the cultural heritage, the scope may be set in excess of 500 meters.

(4) Where the Administrator of the Cultural Heritage Administration or the Mayor/ Do Governor designates cultural heritage, he/she shall determine and publicly announce detailed standards for acts that could affect the preservation of the designated cultural heritage in the preservation area of a historic and cultural environment within six months from the date on which such designation is publicly announced.

(5) An examination under paragraph (2) may be omitted for any construction works implemented in an area for which detailed standards for acts under paragraph (4) are public announced within the extent of such standards.

#### **Article 14 (Prevention, etc. of Fire and Disaster)**

(1) The Administrator of the Cultural Heritage Administration or the Mayor/ Do Governor shall establish and implement necessary measures for the prevention of fire, disasters and theft of designated cultural heritage.

(2) The Administrator of the Cultural Heritage Administration and the Mayor/ Do Governor shall develop fire preparedness guidelines (hereinafter referred to as "guidelines") based on the characteristics of the respective cultural heritage, and take measures in order for the owner, custodian or management organization of each designated cultural heritage to use it.

(3) Guidelines shall be regularly examined and supplemented at least once a year, and matters to be addressed for fire preparedness, and the scope of cultural heritage for which guidelines shall be developed shall be prescribed by Presidential Decree.

(4) An owner, custodian and management organization of designated cultural heritage shall install fire-fighting systems and disaster-prevention systems according to the standards stipulated under the [Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act](#) to prevent and suppress fire of the designated cultural heritage, and endeavor to install anti-theft devices according to the standards determined by Ordinance of the Ministry of Culture, Sports and Tourism in order to prevent any theft of the designated cultural heritage.

(5) The State and a local government may fully or partially subsidize expenses to be incurred to any person who installs fire-fighting and disaster-prevention systems, or anti-theft devices under paragraph (4), within budgetary limits.

#### **Article 15 (Support, etc. for Cultural Heritage Protection Activities)**

The Administrator of the Cultural Heritage Administration may support or foster related organizations where deemed necessary for the protection, preservation, distribution or enhancement of cultural heritage.

#### **Article 16 (Training of Cultural Heritage Experts)**

(1) The Administrator of the Cultural Heritage Administration may train experts to be specialized in the protection, management, maintenance, etc. of cultural heritage.

(2) The Administrator of the Cultural Heritage Administration may pay a scholarship where deemed necessary for training of experts under paragraph (1).

(3) Where deemed necessary to verify the education and research status of a person on scholarship under paragraph (2) (hereinafter referred to as "scholarship"), the Administrator of the Cultural Heritage Administration may order the person to present a credential or research report.

(4) Where a person who is or has been paid the scholarship has any ground determined by Ordinance of the Ministry of Culture, Sports and Tourism, such as the suspension of undergoing education and conducting research, or changes in the details thereof, etc., he/she shall promptly report thereon to the Administrator of the Cultural Heritage Administration.

(5) Where any ground determined by Ordinance of the Ministry of Culture, Sports and Tourism, such as the suspension of undergoing education and conducting research, or changes in the details thereof, poor performance, etc. occurs, the Administrator of the Cultural Heritage Administration may suspend the payment of the scholarship, or order the return thereof.

(6) Necessary matters concerning persons entitled to scholarships, applications for payment of scholarships, suspension of scholarships, the return thereof, etc. under paragraphs (1) through (5) shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism.

#### **Article 17 (Facilitating, etc. Cooperation for International Exchanges of Cultural Heritage)**

(1) The State shall actively promote information and technical exchanges, human resources exchanges, joint investigations and research, and other activities concerning cultural heritage through cooperation with international organizations related to cultural heritage and other countries.

(2) The Administrator of the Cultural Heritage Administration may fully or partially subsidize expenses incurred in promoting measures concerning cultural heritage under paragraph (1) within



budgetary limits.

#### **Article 18 (Cooperation for Exchanges of Cultural Heritage between North and South Korea)**

- (1) The State shall endeavor to increase mutual exchanges and cooperation in the field of cultural heritage between North and South Korea.
- (2) The Administrator of the Cultural Heritage Administration shall investigate and research North Korea's policies, systems, current states, etc. on cultural heritage to increase mutual exchanges and cooperation in the field of cultural heritage between North and South Korea.
- (3) Where necessary for exchange and cooperation projects, investigations, research, etc. stipulated under paragraphs (1) and (2), the Administrator of the Cultural Heritage Administration may request cooperation from related organizations, etc., and may fully or partially subsidize expenses incurred therein, as prescribed by Presidential Decree.

#### **Article 19 (Registration and Protection of World Heritage, etc.)**

- (1) The Administrator of the Cultural Heritage Administration may file an application with the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the registration of Korea's important cultural heritage being as world heritage, intangible cultural heritage of humanity, or memory of the world in accordance with the Convention Concerning the Protection of the World Cultural and Natural Heritage, the Convention Concerning the Protection of Intangible Cultural Heritage or the UNESCO's programs. In such cases, the Administrator of the Cultural Heritage Administration shall determine procedures, etc. for selecting those to be applied for, in consideration of the UNESCO's regulations.
- (2) The Administrator of the Cultural Heritage Administration shall actively endeavor to preserve not only cultural heritage registered as the World Heritage Site, Intangible Cultural Heritage of Humanity, or Memory of the World (hereafter referred to as "world heritage, etc." in this Article), but also human cultural heritage, and to enhance the prestige of cultural heritage around the world.
- (3) The State and a local government shall maintain, manage and support world heritage, etc. to the level equivalent to the State-designated cultural heritage from the date on which they are registered, and the Administrator of the Cultural Heritage Administration may order any person who engages in any activity that could affect world heritage or its historic and cultural environment to take necessary measures for the protection of world heritage and its historic and cultural environment, as prescribed by Presidential Decree.

#### **Article 20 (Protection of Foreign Cultural Heritage)**

- (1) Cultural heritage designated and protected by Acts and subordinate statutes of a foreign country (hereinafter referred to as "foreign cultural heritage") that is a party to the International Convention Concerning the Protection of the World Cultural and Natural Heritage (hereinafter referred to as the "Convention"), in which the Republic of Korea also participates as a party to preserve cultural heritage and promote friendship among states, shall be protected in accordance with the Convention and this Act.
- (2) Where a reasonable ground exists to believe that a foreign cultural heritage that is to be brought or has already brought into the Republic of Korea has been illegally expatriated from the relevant foreign country, the Administrator of the Cultural Heritage Administration may seize the cultural heritage.
- (3) The Administrator of the Cultural Heritage Administration shall keep and manage a foreign cultural heritage, if seized pursuant to paragraph (2), in a museum, etc.
- (4) The Administrator of the Cultural Heritage Administration shall promptly return a foreign cultural heritage kept in his/her custody pursuant to paragraph (3) to its owner or possessor as soon as the foreign cultural heritage is verified to have been legally expatriated from the relevant foreign country. This shall also apply where it is verified that the foreign cultural heritage has been illegally expatriated but it is obvious that the relevant foreign country has no intent to retrieve it.
- (5) Where a foreign country proves that a foreign cultural heritage brought into the Republic of Korea has been illegally expatriated from the relevant foreign country and makes a request for return of the cultural heritage in accordance with appropriate procedures provided for in the Convention, or the Administrator of the Cultural Heritage Administration performs the duty to return it in accordance with the Convention, he/she shall take necessary measures with the cooperation of related agencies so that it can be returned to the relevant foreign country, as provided for in the Convention.

#### **Article 21 (Protection of Cultural Heritage in Emergencies)**

- (1) Where deemed necessary for the protection of cultural heritage at time of war, upheaval, or any emergency equivalent thereto, the Administrator of the Cultural Heritage Administration may relocate or bury State-owned cultural heritage, designated cultural heritage that are not State-



owned cultural heritage, and provisionally designated cultural heritage under [Article 32](#) to or at a safe area, or take other necessary measures or order the owner, holder, possessor, custodian, or management organization of the relevant cultural heritage to relocate or bury it to or at a safe area, or take other necessary measures.

(2) Where necessary for the protection of cultural heritage at time of war, upheaval, or any emergency equivalent thereto, the Administrator of the Cultural Heritage Administration may take them overseas, notwithstanding [Article 39](#). In such cases, he/she shall undergo deliberation thereon by the State Council in advance.

(3) [Article 46](#) shall apply *mutatis mutandis* to any person who sustains loss due to measures or orders taken or performed under paragraph (1): *Provided*, That this shall not apply to *force majeure* cases, such as collateral damage in war, etc.

#### **Article 22 (Requests for Support)**

The Administrator of the Cultural Heritage Administration or a public official in receipt of his/her order may request necessary support from the heads of related agencies, where necessary for taking measures stipulated under [Article 21](#) (1).

## **CHAPTER IV STATE-DESIGNATED CULTURAL HERITAGE**

### **SECTION 1 Designation**

#### **Article 23 (Designation of Treasures and National Treasures)**

(1) The Administrator of the Cultural Heritage Administration may designate more valuable cultural heritage than other similar assets as treasures, following deliberation by the Cultural Heritage Committee.

(2) The Administrator of the Cultural Heritage Administration may designate, as national treasures, cultural heritage of greater human cultural value, which are almost without parallel, than other similar properties constituting treasures under paragraph (1), following deliberation by the Cultural Heritage Committee.

(3) Necessary matters concerning standards, procedures, etc. for the designation of treasures and national treasures under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

#### **Article 24 (Designation of Important Intangible Cultural Heritage)**

(1) The Administrator of the Cultural Heritage Administration may designate more valuable intangible cultural heritage than other similar assets as important intangible cultural heritage, following deliberation by the Cultural Heritage Committee.

(2) Where the Administrator of the Cultural Heritage Administration designates any intangible cultural heritage as an important intangible cultural heritage pursuant to paragraph (1), he/she shall recognize a holder (including a holding organization; hereinafter the same shall apply) of the important intangible culture heritage.

(3) The Administrator of the Cultural Heritage Administration may additionally recognize another holder of the relevant important intangible cultural heritage, in addition to the holder recognized pursuant to paragraph (2).

(4) Where a holder of an outstanding intangible cultural asset recognized pursuant to paragraph (2) or (3) has a difficulty in properly conducting education for transferral of his/her skills or artistic talent under [Article 41-2](#), the Administrator of the Cultural Heritage Administration may recognize him/her as an honorary holder, following deliberation by the Cultural Heritage Committee. In such cases, where a holder of an important intangible cultural heritage is recognized as an honorary holder of the cultural heritage, the recognition as the holder of such important intangible cultural heritage shall be deemed revoked at that time.

(5) Necessary matters concerning standards, procedures, etc. for the designation of important intangible cultural heritage under paragraph (1), and matters concerning standards, procedures, etc. for the recognition of holders of important intangible cultural heritage and honorary holders shall be prescribed by Presidential Decree.

#### **Article 25 (Designation of Historic Sites, Scenic Spots and Natural Monuments)**

(1) The Administrator of the Cultural Heritage Administration may designate scenic spots, or natural monuments, more valuable monuments than other similar monuments as historic sites, following deliberation by the Cultural Heritage Committee.

(2) Necessary matters concerning standards, procedures, etc. for the designation of historic



sites, scenic spots and natural monuments shall be prescribed by Presidential Decree.

#### **Article 26 (Designation of Important Folklore Resources)**

(1) The Administrator of the Cultural Heritage Administration may designate more valuable folklore resources than other similar resources as important folklore resources, following deliberation by the Cultural Heritage Committee.

(2) Necessary matters concerning standards, procedures, etc. for the designation of important folklore resources shall be prescribed by Presidential Decree.

#### **Article 27 (Designation of Protective Facilities or Protection Zones)**

(1) Where specifically necessary to protect a certain cultural heritage in granting designation pursuant to [Article 23](#), [25](#) or [26](#), the Administrator of the Cultural Heritage Administration may designate protective facilities or protection zones therefor.

(2) Where deemed necessary due to a change, etc. in artificial or natural conditions, the Administrator of the Cultural Heritage Administration may adjust protective facilities or protection zones designated pursuant to paragraph (1).

(3) Where the Administrator of the Cultural Heritage Administration has designated or adjusted protective facilities or protection zones pursuant to paragraphs (1) and (2), he/she shall review whether such designation or adjustment is appropriate before every tenth anniversary of such designation or adjustment passes, in consideration of the following matters: *Provided*, That the period for review may be extended up to the period prescribed by Presidential Decree, if it is impossible to review the appropriateness in a timely manner due to any extenuating circumstance:

1. The value of the cultural heritage worthy of preservation;
2. The effects of the designation of protective facilities or protection zones on the exercise of property rights;
3. The environment surrounding the protective facilities or protection zones.

(4) Necessary matters concerning the designation and adjustment, the review of appropriateness, and other relevant matters under paragraphs (1) through (3) shall be prescribed by Presidential Decree.

#### **Article 28 (Public Announcement and Notice of Designation or Recognition)**

(1) Where the Administrator of the Cultural Heritage Administration designates any asset as State-designated cultural heritage (including its protective facilities and protection zones), or recognizes any person as a holder or honorary holder of any important intangible cultural heritage pursuant to [Articles 23 through 27](#), he/she shall publicly announce the purport thereof in the Official Gazette, and shall promptly notify the owner, holder, or honorary holder of the cultural heritage of such designation or recognition.

(2) In cases under paragraph (1), where no owner of a designated cultural heritage exists, or it is not clearly known who the owner of such asset is, notice shall be given to the possessor or custodian of the cultural heritage.

#### **Article 29 (Issuance of Letters of Designation or Recognition)**

(1) Where the Administrator of the Cultural Heritage Administration designates cultural heritage as a national treasure, treasure, or important folklore resource pursuant to [Article 23](#) or [26](#), he/she shall issue a letter of designation of the cultural heritage to the owner.

(2) Where the Administrator of the Cultural Heritage Administration recognizes any person as a holder or an honorary holder of an important intangible cultural heritage pursuant to [Article 24](#) (2) through (4), he/she shall issue to the person a letter of recognition as a holder or an honorary holder of an important intangible cultural heritage.

#### **Article 30 (Time Designation or Recognition Becomes Effective)**

The designation or recognition under [Articles 23 through 27](#) shall become effective on the date the owner, holder, honorary holder, possessor, or custodian of the cultural heritage is notified of the designation or recognition, while it shall become effective to any person, other than those named above, on the date public notice thereon is given in the Official Gazette.

#### **Article 31 (Revocation of Designation or Recognition)**

(1) Where cultural heritage designated under [Article 23](#), [25](#) or [26](#) loses its value as State-designated cultural heritage, or such designation needs to be revoked based on its valuation, the Administrator of the Cultural Heritage Administration may revoke the designation, following deliberation by the Cultural Heritage Committee.

(2) Where a holder of important intangible cultural heritage falls under any of the following subparagraphs, the Administrator of the Cultural Heritage Administration may revoke the recognition as a holder of the important intangible cultural heritage, following deliberation by the



Cultural Heritage Committee:

1. Where he/she is inappropriate for a holder of the important intangible cultural heritage due to his/her physical or mental disability, etc.;
  2. Where he/she is sentenced to a fine or heavier punishment in connection with public performance, exhibition, examination, etc. of traditional culture and the sentence becomes final and conclusive;
  3. Where he/she emigrates to a foreign country or acquires a foreign nationality;
  4. Where any other grounds prescribed by Presidential Decree exist.
- (3) Where an individual among holders or honorary holders of an important intangible cultural heritage is deceased, the recognition of the deceased as a holder or an honorary holder of the cultural heritage is revoked, while if all individual holders of an important intangible cultural heritage deceased, the designation of the important intangible cultural heritage may be revoked, following deliberation by the Cultural Heritage Committee.
- (4) Where the result of examination under [Article 27](#) (3) reveals that the designation of protective facilities or protection zones is inappropriate, or any other special ground exists, the Administrator of the Cultural Heritage Administration shall either revoke the designation of the protective facilities or protection zones or adjust the scope thereof. Where the designation of State-designated cultural heritage is revoked, the designation of the protective facilities or protection zones therefor shall also be revoked without delay.
- (5) [Articles 28](#) and [30](#) shall apply *mutatis mutandis* to the public announcement and notice concerning the revocation of the designation and recognition of cultural heritage under paragraphs (1) through (4), and the time such revocation becomes effective.
- (6) Where the owner of a national treasure, treasure, or an outstanding folklore resource is notified of the revocation under paragraph (5) and [Article 28](#), he/she shall return the letter of designation of the relevant cultural heritage to the Administrator of the Cultural Heritage Administration within 30 days from the date on which such notice is given.
- (7) Where the holder of important intangible cultural heritage is notified of the revocation under paragraph (5) and [Article 10](#), he/she shall return the letter of recognition to the Administrator of the Cultural Heritage Administration within 30 days from the date on which such notice is given: *Provided*, That this shall not apply where an individual among holders of an important intangible cultural heritage is deceased.

#### **Article 32 (Provisional Designation)**

- (1) Where there exists an urgent need to protect cultural heritage deemed worthy of designation pursuant to [Article 23](#), [25](#) or [26](#), but there is insufficient time to undergo deliberation thereon by the Cultural Heritage Committee, the Administrator of the Cultural Heritage Administration may provisionally designate the cultural heritage as an important cultural heritage.
- (2) The provisional designation under paragraph (1) shall become effective on the date on which such designation is notified to the owner, possessor, or custodian of a provisionally designated cultural heritage (hereinafter referred to as "provisionally designated cultural heritage").
- (3) The provisional designation under paragraph (1) shall be deemed revoked where the designation under [Article 23](#), [25](#) or [26](#) is not granted within six months from the date of the provisional designation.
- (4) [Articles 28](#) and [29](#) (1) shall apply *mutatis mutandis* to the notification of the provisional designation and the issuance of a letter of provisional designation under paragraph (1), but the public announcement in the Official Gazette under [Article 28](#) (1) is not required for such case.

## **SECTION 2 Management and Protection**

#### **Article 33 (Management Principles by Owners)**

- (1) The owner of State-designated cultural heritage shall manage and protect the State-designated cultural heritage under good stewardship.
- (2) The owner of State-designated cultural heritage may appoint a custodian to be in charge of managing and protecting the State-designated cultural heritage on his/her behalf, as occasion demands.

#### **Article 34 (Management by Managing Organizations)**

- (1) Where the identity of an owner of State-designated cultural heritage is unknown or it is deemed difficult or inappropriate to leave the management of the State-designated cultural heritage with its owner or custodian, the Administrator of the Cultural Heritage Administration may designate a local government, juristic person or organization competent to manage the



cultural heritage as a management organization for the management of the State-designated cultural heritage. In such cases, the management organization of cultural heritage not directly managed by the State among State-designated cultural heritage shall be the competent Special Self-Governing Province, or the competent *Sil Gun/ Gu* (*Gu* refers to an autonomous *Gu*; hereinafter the same shall apply): *Provided*, That where cultural heritage extends over two or more Sis/Guns/Gus, the competent Special Metropolitan City, Metropolitan City or *Do* (excluding a Special Self-Governing Province) shall be its management organization.

(2) A local government designated as a management organization may entrust a juristic person or organization competent to manage the relevant cultural heritage with management affairs thereof, following consultation with the Administrator of the Cultural Heritage Administration.

(3) Where the Administrator of the Cultural Heritage Administration intends to designate a management organization pursuant to paragraph (1), he/she shall hear the opinion of the owner of the relevant cultural heritage, or a local government, juristic person or organization he/she intends to designate.

(4) Where the Administrator of the Cultural Heritage Administration designates a management organization pursuant to paragraph (1), he/she shall promptly publicly announce the purport thereof in the Official Gazette, and shall notify the owner or custodian of State-designated cultural heritage and the relevant local government.

(5) No one shall interfere with management activities of a management organization designated pursuant to paragraph (1).

(6) Expenses incurred in managing State-designated cultural heritage by a management organization shall be borne by the management organization, unless otherwise specifically provided for in this Act, but the State or the competent local government may bear the expenses if the management organization is incapable of bearing such expenses.

(7) [Article 30](#) shall apply *mutatis mutandis* to the time the designation of a management organization under paragraph (1) becomes effective.

#### **Article 35 (Matters to be Permitted)**

(1) A person who intends to perform any of the following activities for State-designated cultural heritage (excluding important intangible cultural heritage; hereafter the same shall apply in this Article) shall obtain permission from the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree. This shall also apply where he/she intends to change any permitted matter:

1. Altering (including making a specimen or stuffing a natural monument) the current state of State-designated cultural heritage (including its protective facilities and protection zone, and a dead natural monument), which is an act determined by Ordinance of the Ministry of Culture, Sports and Tourism;
2. Acts determined by Ordinance of the Ministry of Culture, Sports and Tourism that could affect the preservation of State-designated cultural heritage (excluding cultural heritage that can be categorized as movable properties);
3. Taking a rubbed copy, a photoprint, or a photograph of State-designated cultural heritage in a manner that could affect the preservation of the cultural heritage;
4. Capturing or collecting an animal, a plant, or a mineral within an area designated or provisionally designated as a scenic place or a natural monument or within its protection zone, or taking the captured or collected animal, plant, or mineral out of such area or protection zone;

(2) Where the permission from the Administrator of the Cultural Heritage Administration is obtained pursuant to paragraph (1) 2 in an area where the preservation area of a historic and cultural environment of State-designated cultural heritage overlaps with that of a City/ *Do*-designated cultural heritage, permission from the Mayor/ *Do* Governor under [Article 74](#) (2) shall be deemed obtained.

(3) The Administrator of the Cultural Heritage Administration may entrust the Mayor/ *Do* Governor with affairs for permission for changes in insignificant matters determined by Ordinance of the Ministry of Culture, Sports and Tourism, among permitted matters concerning acts that could affect the preservation of State-designated cultural heritage under paragraph (1) 2.

#### **Article 36 (Requirements for Permission)**

The Administrator of the Cultural Heritage Administration in receipt of an application for permission under [Article 35](#) (1) shall grant permission only where an act subject to application for permission meets the following requirements:

1. Where such act does not affect the preservation and management of cultural heritage;



2. Where such act does not damage a historic or cultural environment of cultural heritage;
3. Where such act is in compliance with the master plan for cultural heritage and the annual implementation plan under Article 7.

#### **Article 37 (Revocation of Permitted Matters)**

(1) Where a person who obtains permission under [Article 35](#) (1) and (3), the proviso to [Article 39](#) (1), and [Article 39](#) (2) falls under any of the following cases, the Administrator of the Cultural Heritage Administration may revoke the permission:

1. Where he/she violates permitted matters or conditions of permission;
2. Where he/she obtains permission by false or other illegal means;
3. Where he/she is unable to fulfill permitted matters, or deemed likely to evidently undermine the public interest.

(2) Where a person who obtains permission under [Article 35](#) (1) fails to file a commencement report and a period of permission expires, the permission shall be deemed revoked.

#### **Article 38 (Medical Treatment, etc. of Animals Designated as Natural Monuments)**

(1) Where an animal designated as a natural monument is in peril, the Mayor/ Do Governor may permit transportation for rescue, medication, surgical operation, fostering, training for adaption to the wild, etc. (hereinafter referred to as "medical treatment") to be conducted at an animal clinic he/she designates.

(2) Where the Mayor/ Do Governor designates an animal clinic pursuant to paragraph (1), he/she shall select it from among any of the following institutions that have expertise in cultural heritage or experience in activities for the protection of natural monuments or in medical treatment for wild animals, and the procedure for such designation and other necessary matters shall be prescribed by municipal ordinance of the competent local government:

1. A veterinary hospital established by a veterinarian license holder under the Veterinarians Act;
2. A livestock industry-related institution that belongs to a local government employs a veterinarian license holder under the Veterinarians Act;
3. A management organization or an organization for the protection of animals that employs a veterinarian license holder under the Veterinarians Act as its members.

(3) Where it is necessary to urgently protect an animal designated as a natural monument in peril, the Administrator of the Cultural Heritage Administration may permit an animal clinic to provide medical treatment first without obtaining permission for the alteration of the current state and to report the results thereof later, notwithstanding [Article 35](#) (1).

(4) The State or a local government may reimburse the expenses incurred in providing medical treatment to an animal clinic that provides medical treatment to an animal designated as a natural monument. In such cases, business affairs related to the reimbursement of expenses for medical treatment of animals designated as natural monuments may be entrusted to an organization related to the medical treatment and protection of natural monuments as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, and the procedure for reimbursing expenses for medical treatment and other necessary measures shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

(5) Where an animal clinic falls under any of the following subparagraphs, the Mayor/ Do Governor may revoke the designation thereof:

1. Where it obtains the designation by false or illegal means;
2. Where it fails to meet the requirements for designation under paragraph (2);
3. Where it kills or maims an animal designated as a natural monument under medical treatment by intention or gross negligence;
4. Where it fails to report the results of medical treatment under paragraph (3) or submits a false report;
5. Where it submits a false invoice to claim the expenses for medical treatment under paragraph (4);
6. Where it violates an order issued by the Administrator of the Cultural Heritage Administration or the head of the competent local government under [Article 42](#) (1).

(6) Where the Mayor/ Do Governor designates an animal clinic or revokes the designation thereof pursuant to paragraph (2), he/she shall report it to the Administrator of the Cultural Heritage Administration.

#### **Article 39 (Prohibition of Exportation, etc.)**

(1) No national treasure, treasure, natural monument, or any outstanding folklore resource shall be exported or expatriated from the Republic of Korea: *Provided*, That this shall not apply where any person obtains permission from the Administrator of the Cultural Heritage Administration



under the condition that it may be expatriated for the purpose of international cultural exchange, such as an overseas exhibition, etc. of the cultural heritage, but shall be repatriated into the Republic of Korea within two years from the date on which it is expatriated.

(2) Where a person who has obtained permission for expatriation pursuant to the proviso to paragraph (1) applies for the extension of the period therefor, the Administrator of the Cultural Heritage Administration may permit extension of the period for expatriation by up to two years, only if deemed necessary for achieving the original purpose of taking overseas and for safety, etc. of cultural heritage.

(3) Notwithstanding paragraph (1), exportation may be permitted with permission from the Administrator of the Cultural Heritage Administration in any of the following cases:

1. Where a natural monument is made in a specimen, stuffs, etc. with permission under [Article 35 \(1\) 1](#);
2. A natural monument proliferated at specific facilities for the purposes of research or exhibitions.

#### **Article 40 (Matters to be Reported)**

Where any of the following cases occurs, an owner, holder, custodian, or management organization of State-designated cultural heritage (including its protective facilities and protection zone; hereafter the same shall apply in this Article) shall report the facts and circumstances thereof to the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree: *Provided*, That the owner and custodian shall jointly sign the report in cases under subparagraph 1, while the former and new owners shall jointly sign the report in cases under subparagraph 2:

1. Where a custodian is appointed or dismissed;
  2. Where the owner of State-designated cultural heritage changes;
  3. Where the name or address of the owner, holder, or custodian changes;
  4. Where the name of land, lot number, land category, or area, etc. of the place where State-designated cultural heritage is located changes;
  5. Where the place of safekeeping cultural heritage changes;
  6. Where all or part of State-designated cultural heritage is destroyed, washed away, stolen, or damaged;
  7. Where the alteration in the current state of cultural heritage is commenced or completed with permission (including changed permission) under [Article 35 \(1\) 1](#);
  8. Where cultural heritage permitted under [Article 35 \(1\) 4](#) or [39 \(1\)](#) is expatriated from and then repatriated into the Republic of Korea;
  9. Where he/she has owned a specimen or stuffed a natural monument from before the species of an animal or plant is designated as a natural monument.
- (2) Where a person who implements construction works in a preservation area of a historic and cultural environment commences or completes permitted matters after having obtained permission under [Article 35 \(1\) 2](#) (including changed permission) in the preservation area of a historic and cultural environment, he/she shall report the fact and the circumstances thereof to the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree.

#### **Article 41 (Protection and Development of Important Intangible Cultural Heritage)**

- (1) The State shall protect and develop important intangible cultural heritage for succession to and development of the traditional culture.
- (2) The Administrator of the Cultural Heritage Administration shall require holders of important intangible cultural heritage to conduct education for transferal of skills or artistic talent they have (hereinafter referred to as "skills or artistic talent") in order to transfer and preserve important intangible cultural heritage: *Provided*, That this shall not apply where any extraordinary grounds prescribed by Presidential Decree exist.
- (3) The State or a local government may bear expenses incurred in the education for transferal of skills or artistic talent under paragraph (2) within budgetary limits, and may permit the gratuitous use of State or public property that is established or acquired for education for transferal of skills or artistic talent.
- (4) The Administrator of the Cultural Heritage Administration may award a scholarship to the persons who undergo education for transferal of skills or artistic talent.
- (5) The Administrator of the Cultural Heritage Administration may provide honorary holders of important intangible cultural heritage with special subsidies.
- (6) Necessary matters concerning education for transferal of skills or artistic talent, and the payment of scholarships and special subsidies under paragraphs (2), (4), and (5) shall be prescribed by Presidential Decree.



#### Article 42 (Administrative Orders)

(1) Where the Administrator of the Cultural Heritage Administration or the head of a local government deems it necessary to manage and protect State-designated cultural heritage (including its protective facilities and protection zone; hereafter the same shall apply in this Article), he/she may order to take the following measures:

1. Prohibition or restriction on certain activities by an owner, custodian, or management organization of State-designated cultural heritage where the management condition of the State-designated cultural heritage is not appropriate for the preservation of the cultural heritage or where deemed specifically necessary to do so;
2. Repair, installation of other necessary facilities, or removal of any obstacle by the owner, custodian, or management organization of State-designated cultural heritage;
3. An urgent measure necessary for the preservation of cultural heritage by the owner, holder, custodian, or management organization of State-designated cultural heritage;
4. Suspension of an act or a measure to restore to the original state issued to a person who has altered the current state of State-designated cultural heritage without obtaining permission required under each subparagraph of [Article 35](#) (1), or has done an act that could affect the preservation the State-designated cultural heritage.

(2) Where an owner, holder, custodian, or management organization of State-designated cultural heritage fails to perform an order issued pursuant to paragraph (1) 1 through 3 or it is deemed inappropriate to require the owner, holder, custodian, or management organization of State-designated cultural heritage to take measures under paragraph (1) 1 through 3, the Administrator of the Cultural Heritage Administration or the head of a local government may directly take measures under paragraph (1) 1 through 3 at the cost of the State.

(3) Where a person in receipt of an order under paragraph (1) 4 fails to perform it, the Administrator of the Cultural Heritage Administration or the head of a local government may vicariously execute it, as stipulated in the [Administrative Vicarious Execution Act](#), and collect expenses incurred therein from the violator.

(4) Where the head of the competent local government issues an order under paragraph (1), he/she shall report it to the Administrator of the Cultural Heritage Administration.

#### Article 43 (Preparation and Preservation of Records)

(1) The Administrator of the Cultural Heritage Administration, and the Governor of the competent Special Self-Governing Province, the head of the competent *Sil Gunl Gu*, and the head of each management organization shall prepare and preserve records concerning the preservation, management, and details of changes in State-designated cultural heritage.

(2) Where deemed necessary for the preservation and management of State-designated cultural heritage, the Administrator of the Cultural Heritage Administration may authorize a person or research institute that has expertise in cultural heritage to keep records on State-designated cultural heritage.

#### Article 44 (Regular Investigations)

(1) The Administrator of the Cultural Heritage Administration shall investigate the current state, management, repair and actual circumstances of transferal of State-designated cultural heritage, and other conditions of environmental preservation on a regular basis.

(2) Where the Administrator of the Cultural Heritage Administration deems it necessary to conduct a further investigation after a regular investigation under paragraph (1), he/she may require public officials under his/her control to reinvestigate the State-designated cultural heritage in question.

(3) Whenever an investigation is to be conducted pursuant to paragraphs (1) and (2), the purport thereof shall first be communicated, in advance, to the owner, holder, custodian or management organization of the cultural heritage concerned: *Provided*, That a post-notice may be issued in urgent cases.

(4) Public officials who conduct an investigation under paragraphs (1) and (2) may request cooperation from the owner, holder, custodian or management organization by making the cultural heritage concerned available, presenting data on the current state to the extent necessary for the investigation, and allowing access to the place where the cultural heritage is located, and may also take a measurement, excavate the ground, remove obstacles, and do other necessary acts for the investigation to the extent not damaging the current state of the cultural heritage: *Provided*, That the consent of the owner, holder, custodian or management organization is required where such acts are conducted before sunrise or after sunset.

(5) Public officials who conduct an investigation pursuant to paragraph (4) shall carry a certificate indicating their authority and produce it to related persons.



(6) The Administrator of the Cultural Heritage Administration may delegate all or part of regular investigations and re-investigations under paragraphs (1) and (2) to a local government, or entrust such investigations to a specialized institution or organization, as prescribed by Presidential Decree.

(7) The Administrator of the Cultural Heritage Administration shall reflect the results of regular investigations and re-investigations under paragraphs (1) and (2) in the management of State-designated cultural heritage, as stipulated in the following:

1. Designation of cultural heritage and revocation of such designation;
2. Designation of protective facilities or protection zones and revocation of such designation;
3. Recognition of holders of important intangible cultural heritage and revocation of such recognition;
4. Repair and restoration of cultural heritage;
5. Restriction and prohibition of acts for the preservation of cultural heritage or installation, removal, or relocation of facilities;
6. Other necessary matters for the management of cultural heritage.

#### **Article 45 (Ex Officio Investigations)**

(1) Where deemed necessary, the Administrator of the Cultural Heritage Administration may require public officials under his/her control to investigate the current state, management, repair and actual circumstances of transferal of cultural heritage, and other conditions of environmental preservation.

(2) Where an *ex officio* investigation is conducted pursuant to paragraph (1), [Article 44](#) (3) through (5) shall apply *mutatis mutandis* to a notice of investigation, the extent of a request for cooperation in investigations, the scope of acts necessary for investigations, the duty to carry and present a certificate for investigations, and other relevant matters.

#### **Article 46 (Compensation for Loss)**

The State shall compensate for any loss incurred by any of the following persons:

1. A person who sustains any loss by performing an order issued under [Article 42](#) (1) 1 through 3;
2. A person who sustains any loss as a consequence of the measures under [Article 42](#) (2);
3. A person who sustains any loss due to investigations under [Article 44](#) (4) (including cases applied *mutatis mutandis* under [Article 45](#) (2))

#### **Article 47 (Application Mutatis Mutandis of Matters to be Permitted to Provisionally Designated Cultural Heritage)**

[Articles 35](#) (1), [37](#), [39](#), [40](#) (1) (limited to subparagraphs 2 through 4 and 6 through 8 of the same paragraph), [42](#) (1) 1 and 3, and [46](#) shall apply *mutatis mutandis* to the management and protection of provisionally designated cultural heritage.

### **SECTION 3 Making Available to Public and Admission Fees**

#### **Article 48 (Making Cultural Heritage Available to Public)**

(1) State-designated cultural heritage (excluding important intangible cultural heritage; hereafter the same shall apply in this Article) shall be made available to the public if any extenuating circumstance exists, except where making certain cultural heritage available to the public is restricted pursuant to paragraph (2).

(2) Where necessary to preserve cultural heritage and to prevent its damage, the Administrator of the Cultural Heritage Administration may place a restriction on making the cultural heritage fully or partially available to the public. In such cases, the Administrator of the Cultural Heritage Administration shall hear the opinion of the owner (referring to a management organization where such organization is designated) of the cultural heritage in question.

(3) Where the Administrator of the Cultural Heritage Administration places a restriction on making state-designated cultural heritage available to the public pursuant to paragraph (2), he/she shall give public notice on the location of the area where the cultural heritage is located, the period during which making it available to the public is restricted, the area subject to the restriction, and other relevant matters, as determined by Ordinance of the Ministry of Culture, Sports and Tourism, and shall inform an owner, holder, custodian, or management organization of the cultural heritage concerned, the competent Mayor/ Do Governor, and the head of the competent *Sil Gun/ Gu* thereof.

(4) The Administrator of the Cultural Heritage Administration shall promptly lift the restriction measure as soon as the grounds for a restriction on making state-designated cultural heritage



available to the public under paragraph (2) cease to exist. In such cases, the Administrator of the Cultural Heritage Administration shall give public notice thereon, as determined by Ordinance of the Ministry of Culture, Sports and Tourism, and shall inform the owner, holder, custodian, or management organization of the cultural heritage concerned, the competent Mayor/ Do Governor, and the head of the competent *Sil Gun/ Gu* thereof.

(5) A person who intends to enter an area restricted from being made available to public pursuant to paragraphs (2) and (3) shall obtain permission from the Administrator of the Cultural Heritage Administration by clearly stating the reason therefor.

#### **Article 49 (Collection of Admission Fees)**

(1) An owner or holder of any cultural heritage who makes the cultural heritage available to the public may collect admission fees from visitors: *Provided*, That where a management organization is designated, the management organization shall be the collecting authority.

(2) Admission fees under paragraph (1) shall be determined by the owner, holder, or management organization of the cultural heritage concerned.

#### **Article 50 (Public Disclosure of Skills or Artistic Talent by Holders of Important Intangible Cultural Heritage)**

(1) Unless any extraordinary grounds prescribed by Presidential Decree exist, a holder of an important intangible cultural heritage shall disclose skills or artistic talent of the important intangible cultural heritage to the public at least once a year.

(2) The method of public disclosure of skills or artistic talent of important intangible cultural heritage under paragraph (1), and other relevant matters shall be prescribed by Presidential Decree.

(3) The State or a local government may fully or partially subsidize expenses incurred for the public disclosure under paragraph (1) within budgetary limits.

### **SECTION 4 Subsidies and Subsidization of Expenses**

#### **Article 51 (Subsidies)**

(1) The State may fully or partially subsidize the following expenses:

1. Expenses incurred in managing cultural heritage by a management organization under [Article 34](#) (1);
2. Expenses incurred in taking measures stipulated under [Article 42](#) (1) 1 through 3;
3. Expenses incurred in managing, protecting, repairing, utilizing State-designated cultural heritage or in preparing records thereon, in addition to cases under subparagraphs 1 and 2;
4. Expenses incurred in protecting and developing important intangible cultural heritage.

(2) The Administrator of the Cultural Heritage Administration may supervise the repair of cultural heritage or any other works where he/she provides subsidies pursuant to paragraph (1).

(3) Subsidies under paragraph (1) 2 through 4 shall be granted through the Mayor/ Do Governor, and shall be managed and spent in compliance with the instruction of the Mayor/ Do Governor: *Provided*, That such subsidies may be directly granted to an owner, holder, custodian or management organization, and may be managed and spent in compliance with the instructions of the Administrator of the Cultural Heritage Administration where the he/she deems it necessary to do so.

#### **Article 52 (Expenses Borne by Local Governments)**

A local government may bear or subsidize expenses incurred in managing, protecting, repairing or utilizing State-designated cultural heritage that are located in its jurisdiction, but not owned or managed by the local government.

## **CHAPTER V REGISTERED CULTURAL HERITAGE**

#### **Article 53 (Registration of Cultural Heritage)**

(1) The Administrator of the Cultural Heritage Administration may register certain cultural heritage for which measures for preservation and utilization are specifically required, among those other than designated cultural heritage, following deliberation by the Cultural Heritage Committee.

(2) Necessary matters concerning standards and procedures for registration of registered cultural heritage and matters to be registered, and other relevant matters shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism.



#### Article 54 (Management of Registered Cultural Heritage)

- (1) A person who manages a registered cultural heritage, including an owner, custodian, etc. of the registered cultural heritage, shall endeavor to preserve the original form of the registered cultural heritage.
- (2) Where the identity of an owner of a registered cultural heritage is unknown or its owner or custodian is unable to manage the registered cultural heritage, the Administrator of the Cultural Heritage Administration may designate a person to manage the registered cultural heritage, from among the competent local government and juristic persons or organizations competent to manage the registered cultural heritage to assign it to manage the cultural heritage.
- (3) The owner or custodian of a registered cultural heritage or a person designated pursuant to paragraph (2) (hereinafter referred to "management organization of a registered cultural heritage") may request the Administrator of the Cultural Heritage Administration to provide technical instruction in connection with the management and repair of the registered cultural heritage, as determined by Ordinance of the Ministry of Culture, Sports and Tourism.

#### Article 55 (Matters to be Reported concerning Registered Cultural Heritage)

- (1) Where any of the following cases occurs in connection with a registered cultural heritage, the owner or custodian of the registered cultural heritage or a management organization of the registered cultural heritage shall report the facts and circumstances thereof to the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree: *Provided*, That the owner and custodian shall jointly sign the report in cases under subparagraph 1, while the former and new owners shall jointly sign the report in cases under subparagraph 2:
  1. Where a custodian is appointed or dismissed;
  2. Where the owner of a registered cultural heritage changes;
  3. Where the address of the owner or custodian changes;
  4. Where the name of land, lot number, land category, or area, etc. of the place where a registered cultural heritage is located changes;
  5. Where the place of safekeeping registered cultural heritage is changed;
  6. Where all or part of registered cultural heritage is destroyed, washed away, stolen, or damaged;
  7. Where the alteration in the current state of cultural heritage commences or is completed by obtaining permission (including permission for change) under [Article 56](#) (2);
  8. Where cultural heritage permitted under the proviso to [Article 39](#) (1) that is applied *mutatis mutandis* under [Article 59](#) (2) is expatriated from and then repatriated into the Republic of Korea;

#### Article 56 (Alteration of Current State of Registered Cultural Heritage)

- (1) A person who intends to perform any of the following acts in connection with a registered cultural heritage, he/she shall report to the Governor of the competent Special Self-Governing Province, or the head of the competent *Sil Gunl Gu* by 30 days prior to the date on which he/she intends to alter it:
  1. Altering the exterior of a registered cultural heritage (excluding cultural heritage categorizable as movable properties) that is determined by Ordinance of the Ministry of Culture, Sports and Tourism;
  2. Relocating a registered cultural heritage (excluding cultural heritage categorizable as movable properties) to another place or removing it;
  3. Repairing or preserving cultural heritage categorizable as movable properties.
- (2) Notwithstanding paragraph (1), a person who intends to alter the current state of any of the following registered cultural heritage, he/she shall obtain permission from the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree. This shall also apply to any change in permitted matters:
  1. Registered cultural heritage to which special cases concerning the building-to-land ratio or the floor-area ratio of a building under [Article 57](#) is applicable;
  2. Registered cultural heritage to which the State grants a subsidy under [Article 51](#) that is applied *mutatis mutandis* under [Article 59](#) (2);
  3. Registered cultural heritage, the owner of which is the State or a local government.
- (3) The Governor of a Special Self-Governing Province or the head of a *Sil Gunl Gu* in receipt of a report under paragraph (1) shall report the fact to the Administrator of the Cultural Heritage Administration via the Mayor/ Do Governor (excluding the Governor of a Special Self-Governing Province).
- (4) Where necessary for the protection of a registered cultural heritage, the Administrator of the Cultural Heritage Administration may provide instruction, advice, recommendation, etc. with respect to the alteration of the current state of the registered cultural heritage reported under



paragraph (1).

#### **Article 57 (Special Cases concerning Building-to-Land Ratios and Floor Space Ratios of Registered Cultural Heritage)**

Notwithstanding [Articles 77 through 79 of the National Land Planning and Utilization Act](#), the building-to-land ratio and the floor space ratio applicable to a site where a building, which is a registered cultural heritage, is located may be alleviated, as prescribed by Presidential Decree, by up to 150 percent of the building-to-land ratio and the floor space ratio applicable to the relevant specific-use area, etc.

#### **Article 58 (Cancellation of Registration)**

(1) Where a registered cultural heritage no longer needs to be preserved or utilized or any specific ground exists, the Administrator of the Cultural Heritage Administration may cancel the registration thereof, following deliberation by the Cultural Heritage Committee.

(2) Where a registered cultural heritage is designated as a designated cultural heritage, the registration thereof becomes invalid.

(3) Where the owner of a registered cultural heritage is notified of the cancellation of registration, he/she shall return its registration certificate to the Administrator of the Cultural Heritage Administration within 30 days from the date on which he/she is notified thereof.

#### **Article 59 (Provisions Applicable Mutatis Mutandis)**

(1) [Articles 28 through 30](#) shall apply *mutatis mutandis* to the public announcement and notice of the registration of registered cultural heritage and the revocation thereof, issuance of the registration certificates, and timing the registration or the revocation of such registration becomes effective. In such cases, the term "State-designated cultural heritage" shall be construed as "registered cultural heritage," the term "designation" as "registration," and the term "letter of designation" as "registration certificate."

(2) [Articles 33, 34](#) (2) through (7), [37, 39, 43, 45, 51](#) (1) 1 and 3, [51](#) (2) and (3), [52](#) and [81](#) shall apply *mutatis mutandis* to management principles by owners of registered cultural heritage, the management by management organizations of registered cultural heritage, the revocation of registration thereof and prohibition of exportation, etc, the preparation and preservation of records on registered cultural heritage, *ex officio* investigations on the current state, etc. of registered cultural heritage, grant of subsidies by the State, defrayment of expenses by local governments, succession to rights and obligations when the owner changes. In such cases, the term "State-designated cultural heritage" shall be construed as "registered cultural heritage," and the term "management organization" as "management organization of registered cultural heritage."

## **CHAPTER VI ORDINARY MOVABLE CULTURAL HERITAGE**

#### **Article 60 (Prohibition of Exportation, etc. of Ordinary Movable Cultural Heritage)**

(1) [Article 39](#) (1) and (2) shall apply *mutatis mutandis* to cultural heritage categorizable as movable properties (hereinafter referred to as "ordinary movable cultural heritage"), among cultural heritage that are neither designated nor registered under this Act: *Provided*, That this shall not apply to any of the following cases where the permission by the Administrator of the Cultural Heritage Administration is obtained for the purpose of international cultural exchange, including an overseas exhibition, etc. of an ordinary movable cultural heritage:

1. Where a museum, etc. established under the [Museum and Art Gallery Support Act](#) repatriates ordinary movable cultural heritage expatriated to a foreign museum, etc. into the Republic of Korea within ten years from the date on which it was expatriated;
2. Where a museum or an organization related to cultural heritage that is officially recognized by a foreign government takes an ordinary movable cultural heritage purchased or donated in the Republic of Korea with intent to exhibit it in a museum, etc. in its own country.

(2) Where a person who has obtained permission under the proviso to paragraph (1) falls under any subparagraph of [Article 37](#) (1), the Administrator of the Cultural Heritage Administration may revoke the permission.

(3) Necessary matters concerning procedures, etc. for exportation or expatriation of cultural heritage under paragraph (1) 2 shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism.

(4) Where a person who has obtained permission under the proviso to paragraph (1) repatriates the permitted ordinary movable cultural heritage after it was expatriated, he/she shall report thereon to the Administrator of the Cultural Heritage Administration.

(5) Where a person intends to export or expatriate any movable asset that could be mistaken as



an ordinary movable cultural heritage, he/she shall have it verified by the Administrator of the Cultural Heritage Administration in advance.

(6) Necessary matters concerning the scope of ordinary movable cultural heritage and the verification, etc. thereof under paragraph (1) and paragraph (5) shall be prescribed by Presidential Decree.

#### **Article 61 (Investigation on Ordinary Movable Cultural Heritage)**

(1) Where deemed necessary, the Administrator of the Cultural Heritage Administration may require public officials under his/her control to investigate the current state of an ordinary movable cultural heritage possessed by a State agency or local government, its management, repair, and other preservative conditions thereof. In such cases, the head of the State agency or local government shall cooperate in the investigation.

(2) Where the Administrator of the Cultural Heritage Administration deems that the preservation and management of cultural heritage is inappropriate based on the results of an investigation conducted under paragraph (1), he/she may request the head of the relevant agency or local government to prepare a scheme for the preservation and management of the cultural heritage.

(3) The head of a State agency or local government in receipt of a request by the Administrator of the Cultural Heritage Administration under paragraph (2) shall prepare a scheme for the preservation and management of the cultural heritage, and shall report it to the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree.

(4) [Article 44](#) (3) through (5) shall apply *mutatis mutandis* to notice on investigations, requests for cooperation in investigations, and other matters necessary for such investigations where the Administrator of the Cultural Heritage Administration conducts investigations under paragraph (1).

### **CHAPTER VII SPECIALCASES CONCERNING STATE-OWNED CULTURAL HERITAGE**

#### **Article 62 (Managing Authority and Office of General Administration)**

(1) Notwithstanding [Article 8 of the State Property Act](#) and [Article 7 of the Commodity Management Act](#), cultural heritage owned by the State (hereinafter referred to as "State-owned cultural heritage") shall be managed and comprehensively controlled by the Administrator of the Cultural Heritage Administration: *Provided*, That where a State-owned cultural heritage is an administrative property managed by the head of any central government agency (referring to the head of a central administrative agency under the [National Finance Act](#); hereinafter the same shall apply) other than the Administrator of the Cultural Heritage Administration or it is specially necessary for the head of any central government agency other than the Administrator of the Cultural Heritage Administration to manage such cultural heritage, the Administrator of the Cultural Heritage Administration shall designate a managing authority, following consultation with the head of the competent agency and the Minister of Strategy and Finance.

(2) Where the Administrator of the Cultural Heritage Administration designates a managing authority pursuant to the proviso to paragraph (1), he/she shall hear the opinion of the Cultural Heritage Committee.

(3) The Administrator of the Cultural Heritage Administration may delegate the management of State-owned cultural heritage that do not fall under the proviso to paragraph (1) to a local government, or entrust the management of such assets to a non-profit corporation or non-profit organization that is not a corporation. In such cases, the profits accrued from the management of State-owned cultural heritage shall be the revenue of the person to whom the management is delegated or entrusted.

#### **Article 63 (Free Administrative Exchanges between Accounts)**

The Administrator of the Cultural Heritage Administration may receive any State-owned cultural heritage for management from an account of another managing authority through an administrative exchange without consideration, notwithstanding [Article 17 of the State Property Act](#).

#### **Article 64 (Special Cases concerning Procedures and Methods)**

(1) Where the Administrator of the Cultural Heritage Administration designates or provisionally designates State-owned cultural asset, the managing authority of which is otherwise designated pursuant to the proviso to [Article 62](#) (1), or revokes the designation or provisional designation thereof, notice to the owner or possessor of the cultural heritage required under this Act shall be given to the managing authority of the cultural heritage.

(2) Where [Articles 40, 42, 45 and 49](#) are applied to any State-owned cultural heritage under the control of a managing authority, the managing authority of which is otherwise designated pursuant



to the proviso to [Article 62](#) (1), the term "owner of cultural heritage" refers to the managing authority of the cultural heritage.

#### **Article 65 (Restriction on Dispositions)**

Where a managing authority under the proviso to [Article 62](#) (1) intends to perform an act other than those stipulated under the subparagraphs [Article 35](#) (1) in connection with a State-designated or provisionally designated cultural heritage under its control, it shall obtain the consent of the Administrator of the Cultural Heritage Administration in advance.

#### **Article 66 (Prohibition of Transfer or Establishment of Private Rights)**

Unless otherwise specifically provided for in this Act, no State-owned cultural heritage (including its site) may be transferred to any other person, nor may any private right be created therein: *Provided*, That the use of such cultural heritage may be permitted under certain terms and conditions only in necessary cases for any public or official purpose or for public service if it is determined that this does not create problems in managing and protecting the cultural heritage.

### **CHAPTER VIII CULTURAL HERITAGE LOCATED OVERSEAS**

#### **Article 67 (Protection of Cultural Heritage Located Overseas)**

The State shall endeavor to protect, recover and utilize cultural heritage overseas, and secure an organization and a budget necessary therefor.

#### **Article 68 (Investigations and Research of Cultural Heritage Located Overseas)**

- (1) The Administrator of the Cultural Heritage Administration may investigate and research the current state of cultural heritage overseas, its preservation and management conditions, details on how it is expatriated, and other relevant matters.
- (2) The Administrator of the Cultural Heritage Administration may request related agencies, including museums, the Korea Foundation, the National Institute of Korean History, universities, etc. to present data and information necessary for the efficient execution of investigations and research under paragraph (1), and related agencies in receipt of a request shall comply therewith.

#### **Article 69 (Support for Activities for Protecting and Recovering Cultural Heritage Located Overseas)**

The Administrator of the Cultural Heritage Administration may support or foster related agencies or organizations where necessary for the protection and recovery of cultural heritage overseas.

### **CHAPTER IX CITY/DO-DESIGNATED CULTURAL HERITAGE**

#### **Article 70 (Designation of City/Do-Designated Cultural Heritage)**

- (1) The Mayor/ Do Governor may designate, as City/ Do-designated cultural heritage, cultural heritage deemed worthy of preservation, among those within his/her jurisdiction that are not designated as State-designated cultural heritage: *Provided*, That the Mayor/ Do Governor may designate important intangible cultural heritage as City/ Do-designated cultural heritage, following prior consultation with the Administrator of the Cultural Heritage Administration, and persons recognized as holders of such intangible cultural heritage shall be chosen from among those who are not holders of important intangible cultural heritage.
- (2) The Mayor/ Do Governor may designate, as cultural heritage resources, cultural heritage not designated pursuant to paragraph (1) but deemed necessary for preservation of folk culture.
- (3) The Administrator of the Cultural Heritage Administration may recommend the Mayor/ Do Governor to designate cultural heritage deemed necessary following deliberation by the Cultural Heritage Committee as the City/ Do-designated cultural heritage or cultural heritage resources (including its protective facilities and protection zone; hereinafter the same shall apply), and preserve so-designated cultural heritage. In such cases, the Mayor/ Do Governor shall take procedures for designating cultural heritage and report the results thereof to the Administrator of the Cultural Heritage Administration unless extenuating circumstances exist.
- (4) Where a City/ Do-designated cultural heritage or cultural heritage resource is designated pursuant to paragraphs (1) through (3), the name of the competent Special Metropolitan City, the competent Metropolitan City or Do, or the competent Special Self-Governing Province shall be indicated before the word "designated" in their names, to inform that they have been designated by the Special Metropolitan City, the Metropolitan City or Do, or the Special Self-Governing Province.
- (5) Necessary matters concerning procedures for designating the City/ Do-designated cultural



heritage or the cultural heritage resources and revoking such designation, their management, protection and development, and making them available to the public shall be prescribed by municipal ordinance of the relevant local government.

(6) Where cultural heritage is deemed worthy of preservation among intangible cultural heritage transferred from North Korean regions, the Administrator of the Cultural Heritage Administration, the Do Governor appointed pursuant to [Article 5 of the Act on Special Measures for Five North Korean Dos](#), or the chairperson of the Committee on Five North Korean Dos established pursuant to Article 7 of the aforesaid Act may recommend the Mayor/ Do Governor having jurisdiction over the area in which such cultural heritage is currently transferred to designate them as the City/ Do-designated cultural heritage.

#### **Article 71 (Establishment of City/ Do Cultural Heritage Committees)**

(1) A Cultural Heritage Committee (hereinafter referred to as "City/ Do Cultural Heritage Committee") shall be established under respective Cities/Dos to investigate and deliberate on matters concerning the preservation, management, and utilization of cultural heritage within the jurisdiction of the Mayor/ Do Governor.

(2) Matters concerning the organization and operation of City/ Do Cultural Heritage Committees and other relevant matters shall be prescribed by municipal ordinances, but the following matters shall be included therein:

1. Matters concerning investigations of and deliberation on the preservation, management, and utilization of cultural heritage;
2. Matters concerning the commissioning and dismissal of committee members;
3. Matters concerning the establishment and operation of subcommittees;
4. Matters concerning the commissioning and dismissal of expert committee members.

(3) Where the Mayor/ Do Governor intends to request the Administrator of the Cultural Heritage Administration to designate any cultural heritage within his/her jurisdiction as State-designated cultural heritage (including its protective facilities and protection zone) or to revoke such designation, he/she shall undergo deliberation thereon by the City/ Do Cultural Heritage Committee.

#### **Article 72 (Burden of Expenses)**

(1) Where City/ Do-designated cultural heritage or cultural heritage resources designated pursuant to [Article 70](#) (1) and (2) are State-owned or public properties, expenses incurred in the preservation thereof shall be borne by the State or the competent local government.

(2) The State or a local government may fully or partially subsidize expenses incurred in the preservation, management, repair, utilization of, and the preparation of records on City/ Do-designated cultural heritage or cultural heritage resources that are not State-owned or public assets, and the protection and development of intangible cultural heritage.

#### **Article 73 (Reporting, etc.)**

(1) Where any of the following cases occurs, the Mayor/ Do Governor shall report thereon to the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree:

1. Where he/she designates any cultural heritage or cultural heritage resource as a City/ Do-designated cultural heritage or cultural heritage resource, or revokes such designation;
2. Where he/she changes the place where a City/ Do-designated cultural heritage or cultural heritage resource is located or kept;
3. Where a City/ Do-designated cultural heritage or cultural heritage resource has been completely or partially destroyed, washed away, stolen, or damaged;

(2) Where the act under paragraph (1) 1 or 2 is deemed inappropriate, the Administrator of the Cultural Heritage Administration order the relevant person to take corrective or necessary measures.

#### **Article 74 (Provisions Applicable Mutatis Mutandis)**

(1) [Article 39](#) (1) and (2) shall apply *mutatis mutandis* to exportation and expatriation of City/ Do-designated cultural heritage and cultural heritage resources.

(2) [Articles 27](#), [31](#) (1) and (4), [Articles 32 through 34](#), [35](#) (1), [36](#), [37](#), [40](#), [41](#) (3), [42 through 45](#) and [48 through 50](#) shall apply *mutatis mutandis* to the designation of City/ Do-designated cultural heritage and cultural heritage resources, the revocation of such designation, and management thereof. In such cases, the term "Administrator of the Cultural Heritage Administration" shall be construed as "Mayor/ Do Governor," the term "Presidential Decree" as "municipal ordinance of the competent City/ Do," and the term "State" as "local government."

## **CHAPTER X CULTURAL HERITAGE TRADE BUSINESS, ETC.**



#### Article 75 (Permission for Trade and other Business Activities)

- (1) A person who intends 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) that are categorized into movable properties shall obtain permission for cultural heritage trade business from the Governor of a Special Self-Governing Province or the head of the competent *Sil Gunl Gu*, as prescribed by Presidential Decree.
- (2) A person who has obtained permission under paragraph (1) (hereinafter referred to as "cultural heritage dealer") shall report the current status on the preservation of cultural heritage and the actual state of their trade or exchanges to the Governor of a Special Self-Governing Province or the head of the competent *Sil Gunl Gu*, as prescribed by Presidential Decree.
- (3) The Governor of a Special Self-Governing Province or the head of the competent *Sil Gunl Gu* in receipt of a report under paragraph (2) shall submit a report on the reported matters to the Administrator of the Cultural Heritage Administration on a regular basis, as prescribed by Presidential Decree.

#### Article 76 (Qualifications)

- (1) A person who intends to obtain permission for cultural heritage trade business pursuant to [Article 75](#) (1) shall be any of the following:
  1. A person who has worked for the State, a local government, a museum or an art gallery in charge of cultural heritage for at least two years;
  2. A person who has majored in an academic field, such as history, archaeology, anthropology, art history, folklore, bibliography, traditional craft or management of cultural heritage in a junior college or higher universities (including graduate schools) for at least one year;
  3. A person who has been employed by a cultural heritage dealer and who has dealt with cultural heritage for at least three years.
- (2) Necessary matters concerning the scope of museums and art galleries and majors under paragraph (1) and other relevant matters shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism.

#### Article 77 (Disqualifications)

- No person falling under any of the following subparagraphs shall be a cultural heritage dealer:
1. A person declared incompetent or quasi-incompetent;
  2. A person in whose case three years have not passed since a sentence of imprisonment without prison labor or a heavier punishment imposed upon him/her, in violation of this Act, or [Article 347](#) or [362 of the Criminal Act](#), was completely executed or discharged;
  3. A person in whose case three years have not passed since his/her permission was revoked pursuant to [Article 80](#).

#### Article 78 (Matters to be Observed)

Cultural heritage dealers shall prepare account books on trade, exchanges, etc., as determined by Ordinance of the Ministry of Culture, Sports and Tourism to keep records on details of transactions, and shall photograph and attach the photographs of actual objects so that the relevant cultural heritage can be verified.

#### Article 79 (Duty to Report Closure of Business)

Where a person who has obtained permission under [Article 75](#) (1) closes his/her cultural heritage trade business, he/she shall submit a report on the closure of business to the Governor of a Special Self-Governing Province, or the head of the competent *Sil Gunl Gu* within three months, as determined by Ordinance of the Ministry of Culture, Sports and Tourism.

#### Article 80 (Revocation, etc. of Permission)

- (1) Where a cultural heritage dealer falls under any of the following subparagraphs, the Governor of a Special Self-Governing Province, or the head of the competent *Sil Gunl Gu* shall revoke his/her permission or order the dealer to suspend all or part of his/her business within the specified period of up to one year: *Provided*, That where a cultural heritage dealer falls under subparagraphs 1 through 3, the permission shall be revoked:
  1. Where he/she obtains permission by false or other illegal means;
  2. Where he/she is sentenced to a fine or a heavier punishment, in violation of Articles 90 and 92, and Article 31 of the Act on the Protection and Investigation of Buried Cultural Heritage;
  3. Where he/she continues the business during the period of business suspension;
  4. Where he/she violates matters to be observed pursuant to [Article 78](#).
- (2) Detailed standards for administrative dispositions under paragraph (1) shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism.



## CHAPTER XI SUPPLEMENTARY PROVISIONS

### Article 81 (Succession to Rights and Duties)

(1) Where the owner of State-designated cultural heritage (including its protective facilities and protection zone, and provisionally designated cultural heritage) is transferred to another person, the new owner shall succeed to the rights and obligations of the former owner under this Act or an order, instruction or any other disposition issued or made by the Administrator of Cultural Heritage Administration pursuant to this Act.

(2) Paragraph (1) shall apply *mutatis mutandis* to a management organization and an owner, where a management organization is designated pursuant to [Article 34](#) or such designation is revoked: *Provided*, That this shall not apply to any rights and obligations exclusive to the owner.

### Article 82 (Delegation and Entrustment of Authority)

The authority of the Administrator of the Cultural Heritage Administration under this Act may be partially delegated to the Mayor/ Do Governor or the head of the competent *Sil Gun/ Gu*, or entrusted to an agency, corporation, organization, etc. that is established for the protection, preservation, distribution, utilization, etc. of cultural heritage, as prescribed by Presidential Decree.

### Article 83 (Expropriation or Use of Land)

(1) The Administrator of the Cultural Heritage Administration or the head of a local government may expropriate or use the land, buildings, trees, bamboo, or other structures within a designated cultural heritage property or its protection zone pursuant to the [Act on Acquisition of and Compensation for Land, etc. for Public Works](#), where necessary for the protection and management of cultural heritage,

(2) Where any designation is made pursuant to [Articles 23, 25 through 27](#) and [70](#), the project shall be deemed to be approved and the project approved deemed to be publicly announced under [Articles 20 and 22 of the Act on Acquisition of and Compensation for Land, etc. for Public Works](#). In such cases, the valid period of project approval under [Article 23](#) of the same Act is not applicable.

### Article 84 (Loan, Use, etc. of State or Public Property)

(1) Notwithstanding the [State Property Act](#) and the Public Property and Commodity Management Act, the State and a local government may permit to lend use and benefit from, or sell State-owned property or public property through a private contract, where deemed necessary for the preservation, management, utilization and transferal of cultural heritage

(2) Details and terms and conditions of loan, use of and benefit from, or sale of State-owned property or public property under paragraph (1) shall be governed by the [State Property Act](#) and the Public Property and Commodity Management Act.

### Article 85 (Disaster Prevention Day for Cultural Heritage)

(1) February 10 of each year is designated as the disaster prevention day for cultural heritage to safely preserve cultural heritage from disasters, such as a fire, etc., and to raise Korean nationals' awareness on the safe management of cultural heritage.

(2) The State and a local government shall conduct projects and events such as safety inspections, disaster prevention drills, etc. on cultural heritage to suit the underlying spirit of the disaster prevention day for cultural heritage.

(3) Necessary matters concerning the events to be held on the disaster prevention day for cultural heritage shall be otherwise determined by the Administrator of the Cultural Heritage Administration or the Mayor/ Do Governor.

### Article 86 (Bounties)

(1) The Administrator of the Cultural Heritage Administration shall a bounty, within budgetary limits, to any person who informs any investigation agencies of a person who committed or attempted a crime stipulated under [Articles 90 through 92](#) of the Act and Article 31 of the Act on the Protection and Investigation of Buried Cultural Heritage once he/she has been sentenced to the suspension of indictment or his/her conviction has been final and conclusive, and any person who contributes to the arrest of such person.

(2) Necessary matters concerning the scope of investigation agencies, handling of information provided, the payment of bounties, including standards, etc. for payment thereof shall be prescribed by Presidential Decree.

### Article 87 (Relationship to other Acts)

(1) Where the Administrator of the Cultural Heritage Administration intends to perform any of the following acts over an area, the size of which is equal to or larger than that prescribed by



Presidential Decree within a park area under the [Natural Parks Act](#), he/she shall consult with the pertinent park management authority:

1. Where he/she designates a certain area as a historic site, scenic area, or natural monument pursuant to [Article 25](#);
  2. Where he/she designates a protection zone pursuant to [Article 27](#);
  3. Where he/she grants permission or changed permission pursuant to [Article 35](#) (1).
- (2) Where the permission is granted pursuant to [Article 35](#) (1) (including cases applied *mutatis mutandis* under [Article 74](#) (2)), any of the following permission shall be deemed granted:
1. Permission for acts in a park area under [Article 23 of the Natural Parks Act](#);
  2. Permission to occupy for use and use an urban park, urban natural park area or greenbelt under [Articles 24, 27 and 38 of the Act on Urban Parks, Greenbelts, etc.](#)
- (3) Where an area designated and announced as State-designated or City/ Do-designated cultural heritage, or its protective facilities or protection zone under [Articles 23, 25 through 27 or 70](#) (1) is in an urban area stipulated under subparagraph 1 of Article 6 of the [National Land Planning and Utilization Act](#), the area shall be deemed designated and announced as a conservation district under [Article 37](#) (1) 6 of the same Act.
- (4) The provisions governing *bona fide* acquisition under [Article 249 of the Civil Act](#) shall not apply to transactions, such as trade, etc. of any of the following cultural heritage: *Provided*, That where a transferee purchases cultural heritage in good faith through auction or from a cultural heritage dealer, etc., the victim or the person who loses the cultural heritage may pay to the transferee the price that the transferee has paid and claim the return thereof:
1. Cultural heritage designated by the Administrator of the Cultural Heritage Administration or the Mayor/ Do Governor;
  2. Cultural heritage publicly announced as a stolen or lost article;
  3. Cultural heritage with an essential part thereof or record showing its source deliberately mutilated.
- (5) Necessary matters concerning public announcements under para graph (4) shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism.

#### **Article 88 (Hearings)**

Where the Administrator of the Cultural Heritage Administration, the Mayor/ Do Governor, or the head of a *Sil Gun/ Gu* intends to take any of the following dispositions, he/she shall hold a hearing:

1. Revocation of permission where a person who has obtained permission under [Article 35](#) (1), [39, 56](#) (2) or the proviso to [Article 60](#) (1) violates any provision or condition of permission;
2. Revocation of the designation of an animal clinic under [Article 38](#) (5);
3. Revocation of permission or suspension of business of a cultural heritage dealer pursuant to [Article 80](#).

#### **Article 89 (Legal Fiction of Public Officials in Application of Penal Provisions)**

Any of the following persons shall be deemed a public official in applying [Articles 129 through 132 of the Criminal Act](#):

1. A member of the Cultural Heritage Committee (including a member of City/ Do Cultural Heritage Committees under [Article 71](#) (1)) that investigates and deliberate on matters concerning the preservation of management of cultural heritage pursuant to [Article 8](#) (1);
2. A person who carries out business affairs on the payment of expenses for medical treatment of animals designated as natural monuments on commission pursuant to [Article 38](#) (4);
3. A person who investigates cultural heritage under entrustment pursuant to [Article 44](#) (6);
4. A person who is engaged in affairs entrusted by the Administrator of the Cultural Heritage Administration pursuant to [Article 82](#).

## **CHAPTER XII PENAL PROVISIONS**

#### **Article 90 (Crime of Exportation, etc. without Permission)**

(1) A person who exports or expatriates any designated or provisionally designated cultural heritage, in violation of the main sentence of [Article 39](#) (1) (including cases applied *mutatis mutandis* under [Articles 59](#) (2) and [74](#) (1)), or who fails to repatriate cultural heritage expatriated under the proviso to [Article 39](#) (1) and (2) (including cases applied *mutatis mutandis* under [Articles 59](#) (2) and [74](#) (1)) by the specified deadline shall be punished by imprisonment for not less than five years, and the relevant cultural heritage shall be confiscated.

(2) A person who exports or expatriates any cultural heritage, or who fails to repatriate any cultural heritage expatriated, in violation of [Article 60](#) (1), shall be punished by imprisonment for



not less than three years, and the relevant cultural heritage shall be confiscated.

(3) A person who transfers, or acquires cultural heritage, or intermediates a transaction of cultural heritage with knowledge that the cultural heritage would be exported or expatriated, in violation of paragraph (1) or (2), shall be punished by imprisonment for not less than three years, and the relevant cultural heritage shall be confiscated.

#### **Article 91 (Crime of Enticement to Make False Designation, etc.)**

A person who entices another person to designate cultural heritage as a designated or provisionally designated cultural heritage by false or other illegal means shall be punished by imprisonment for not less than five years.

#### **Article 92 (Crime of Infliction of Damages, Concealment, etc.)**

(1) A person who causes damage to, steals, conceals, or impairs the utility of State-designated cultural heritage (excluding an important intangible cultural heritage) in any other means shall be punished by imprisonment for not less than three years.

(2) A person falling under any of the following subparagraphs shall be punished by imprisonment for not less than two years:

1. A person who causes damage to, steals, conceals, or impairs the utility of any designated or provisionally designated cultural heritage other than those stipulated in paragraph (1);
2. A person who causes damage to, steals, conceals, or impairs the utility of any ordinary movable cultural heritage with knowledge that it is an ordinary movable cultural heritage.

(3) Any of following persons shall be punished by imprisonment for not less than two years, or by a fine of not less than 20 million won but not more than 150 million won:

1. A person who makes a specimen or stuffs a natural monument without obtaining permission for the alteration of the current state, or changed permission under [Article 35 \(1\) 1](#);
2. A person who acquires, transfers, takes over, or transports cultural heritage with knowledge of a violation of paragraph (1) or (2) or subparagraph 1;
3. A person who mediates an act under subparagraph 2.

(4) Even where an act that had impaired the utility of a designated or provisionally designated cultural heritage or an ordinary movable cultural heritage by causing damage, theft, or concealment, or by any other means committed by a third person before the concealment under paragraphs (1) and (2) has not been punished, the person who committed such concealment shall be sentenced to the punishment stipulated under the said paragraphs.

(5) Any cultural heritage falling under paragraphs (1) through (4) shall be confiscated, but where such confiscation is not possible, the appraised value of the relevant cultural heritage shall be collected: *Provided*, That this shall not apply where a person who conceals cultural heritage under paragraph (4) acquires it in good faith.

#### **Article 93 (Aggravated Crimes)**

(1) A person who commits a crime stipulated under [Articles 90 through 92](#) by demonstrating the force of an organization or a large number of people or carrying a dangerous object in his/her possession shall be sentenced to aggravated punishment by half that stipulated under the relevant Articles.

(2) A person who inflicts an injury on any person who manages or protects a designated or provisionally designated cultural heritage by committing a crime under paragraph (1) shall be punished by imprisonment for life or for not less than five years. A person who causes the death of a third person shall be punished by capital punishment, imprisonment for life, or for not less than five years.

#### **Article 94 (Application Mutatis Mutandis of the Criminal Act)**

A person who commits arson, inundation, or destruction of any of the following structures shall be punished by applying *mutatis mutandis* [Article 165](#), [178](#), or [367 of the Criminal Act](#) and the corresponding provisions related to the aforesaid Articles in the aforesaid Act, and the punishment shall be aggravated by half that stipulated under each corresponding provision;

1. A structure that is a designated or provisionally designated cultural heritage;
2. A structure for the protection of a designated or provisionally designated cultural heritage.

#### **Article 95 (Crimes of Inundation of Historic Sites)**

A person who damages a historic site, scenic area, natural monument, or its protection zone designated or provisionally designated by the Administrator of the Cultural Heritage Administration by inundating it shall be punished by imprisonment for not less than two years, but not more than ten years.

#### **Article 96 (Other Crimes of Inundation)**

A person who damages any designated or provisionally designated cultural heritage other than



those stipulated under [Article 95](#) or the protection zone of such cultural heritage by inundating it shall be punished by imprisonment for not more than ten years, or by a fine not exceeding 100 million won.

#### **Article 97 (Attempted Criminals, etc.)**

- (1) An attempted criminal under [Articles 90 through 92](#), [93](#) (1), [95](#) and [96](#) shall be punished.
- (2) A person who prepares himself/herself or plots to commit a crime under [Articles 90 through 92](#), [93](#) (1), [95](#) and [96](#) shall be punished by imprisonment for not more than two years, or by a fine not exceeding 20 million won.

#### **Article 98 (Criminal Negligence)**

- (1) A person who commits a crime under [Article 95](#) or [96](#) by negligence shall be punished by a fine not exceeding ten million won.
- (2) A person who commits a crime under [Article 95](#) or [96](#) due to malpractice or gross negligence shall be punished by imprisonment without labor for not more than three years, or by a fine not exceeding 30 million won.

#### **Article 99 (Unpermitted Conduct)**

- (1) A person falling under any of the following subparagraphs shall be punished by imprisonment for not more than five years, or by a fine not exceeding 50 million won:
  1. A person who alters the current state of a designated or provisionally designated cultural heritage (including its protective facility and protection zone, and a dead natural monument), or who does an act that could affect the preservation thereof, in violation of [Article 35](#) (1) 1 or 2 (including cases applied *mutatis mutandis* under [Articles 47](#) and [74](#) (2));
  2. A person who captures or collects an animal, plant, or mineral in an area designated or provisionally designated as a scenic area or natural monument, or its protection zone, or takes the captured or collected animal, plant, or mineral out of such area without permission, in violation of [Article 35](#) (1) 4 (including cases applied *mutatis mutandis* under [Article 74](#) (2));
  3. A person engaged in any business without permission, in violation of [Article 75](#) (1).
- (2) A person falling under any of the following subparagraphs shall be punished by imprisonment for not more than two years, or by a fine not exceeding 20 million won:
  1. A person who owns the relevant cultural heritage in cases of a violation under each subparagraph of paragraph (1);
  2. A person who alters the current state of a registered cultural heritage without permission or revised permission, in violation of [Article 56](#) (2).

#### **Article 100 (Crimes of Violating Administrative Orders)**

A person falling under any of the following subparagraphs shall be punished by imprisonment for not more than three years, or by a fine not exceeding 30 million won, and the relevant object shall be confiscated in cases under subparagraph 2:

1. A person who violates an order issued pursuant to [Article 21](#) (1) or [42](#) (1) (including cases applied *mutatis mutandis* under [Article 74](#) (2)) without any justifiable ground;
2. A person who brings in or sprays any substance harmful to the growth of any habitat, breeding area, or migratory area of an animal designated or provisionally designated as a natural monument (including a natural monument designated as a City/ Do designated cultural heritage).

#### **Article 101 (Crimes of Interfering with Management Activities)**

A person falling under any of the following subparagraphs shall be punished by imprisonment for not more than two years, or by a fine not exceeding 20 million won:

1. A person who fails to comply with an instruction under [Article 12](#) without any justifiable ground;
2. A person who interferes with a management organization in its management activities, in violation of [Article 34](#) (5) (including cases applied *mutatis mutandis* under [Article 74](#) (2)), or who interferes with a managing authority of designated or provisionally designated cultural heritage in its management activities, without any justifiable grounds;
3. A person who does activities stipulated under [Article 35](#) (1) 3 (including cases applied *mutatis mutandis* under [Article 74](#) (2)) without permission;
4. A person who refuses to provide cooperation or to do necessary activities required under the main sentence of [Article 44](#) (4) (including cases applied *mutatis mutandis* under [Articles 45](#) (2) and [74](#) (2));
5. A person responsible for managing and protecting a designated or provisionally designated cultural heritage, who destroys or damages the relevant cultural heritage due to gross negligence;
6. A person who files a false report;



7. A person who intentionally destroys, moves or removes, or otherwise spoils a boundary marker of an area designated as cultural heritage or its protection zone by making it impossible to discern the boundaries of such area;
8. A person who makes cultural heritage available to the public, in violation of any restriction placed thereon by the Administrator of the Cultural Heritage Administration under [Article 48](#) (2), or who enters cultural heritage without permission under paragraph (5) of the same Article (including cases applied *mutatis mutandis* under [Article 74](#) (2));

#### **Article 102 (Joint Penal Provisions)**

Where a representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits an offence under [Articles 94 through 96](#), or [Articles 98 through 101](#) in connection with the business of the corporation or the individual, not only shall such violator be punished, but also the corporation or the individual shall be punished by a fine not exceeding 300 million won: *Provided*, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business in order to prevent such violation.

#### **Article 103 (Fines for Negligence)**

(1) A person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding five million won:

1. A person who fails to report under [Article 40](#) (1) 6 through 9 (including cases applied *mutatis mutandis* pursuant to [Article 74](#) (2));
2. A person who fails to report under subparagraph 6 of [Article 55](#);
3. A person who fails to report under [Article 56](#) (1);
4. A person who fails to comply with matters to be observed under [Article 78](#);
5. A person who fails to report the closure of business under [Article 79](#).

(2) A person who fails to report under [Article 40](#) (1) 5 (including cases applied *mutatis mutandis* pursuant to [Article 74](#) (2)) shall be punished by a fine for negligence not exceeding four million won.

(3) A person who fails to report under [Article 40](#) (1) 7 or paragraph 2 of the same Article (including cases applied *mutatis mutandis* pursuant to [Article 74](#) (2)) shall be punished by a fine for negligence not exceeding three million won.

(4) A person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding two million won:

1. A person who fails to report under [Article 40](#) (1) 1 through 4 (including cases applied *mutatis mutandis* pursuant to [Article 74](#) (2));
2. A person who fails to report under subparagraphs 1 through 5, 7 or 8 of [Article 55](#);
3. A person who fails to report under [Article 60](#) (4).

#### **Article 104 (Imposition and Collection of Fines for Negligence)**

Fines for negligence under [Article 103](#) shall be imposed and collected by the Administrator of the Cultural Heritage Administration, the Mayor/ Do Governor, or the head of the competent *Sil Gun/ Gu*, as prescribed by Presidential Decree.

### **ADDENDA**

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

This Act shall enter into force one year after the date of its promulgation: *Provided*, That the amended provisions of [Articles 92, 98 and 102](#) shall enter into force on the date of its promulgation.

#### **Article 2 (Transitional Measures concerning Enforcement Date)**

(1) [Article 35](#) (1) 1 under [Article 92](#) (3) 1 that enters into force pursuant to the proviso to Article 1 of the Addenda shall be deemed the former subparagraph 3 of [Article 34](#).

(2) [Article 95](#) or [96](#) referred to in [Article 98](#) (1) that enters into force pursuant to the proviso to Article 1 of the Addenda shall be deemed the former Article 107 or 108, and [Article 95](#) or [96](#) under paragraph (2) of the same Article shall be deemed the former Article 104 (3), [107](#) or [108](#) until one year elapses after this Act is promulgated. In such cases, any crime under the former Article 104 (3) shall be governed by the former provisions concerning the confiscation of relevant cultural heritage.

(3) Provisions concerning violations under [Articles 94 through 96](#) or [Articles 98 through 101](#) referred to in [Article 102](#) that enters into force pursuant to the proviso to Article 1 of the Addenda shall be governed by the former provisions until one year elapses after this Act is promulgated.

#### **Article 3 (Transitional Measures concerning Important Folklore Resources)**



Outstanding folklore resources designated under the former provisions as at the time this Act enters into force shall be deemed designated as important folklore resources under this Act.

**Article 4 (Transitional Measures concerning Notices on Public Code of Conduct, such as Alteration of Current State of Designated Cultural Heritage)**

The detailed code of conduct applicable to any cultural heritage so designated and notified under the former provisions as at the time this Act enters into force shall be determined and notified within one year from the date this Act enters into force pursuant to the amended provisions of [Article 13](#) (4).

**Article 5 (General Transitional Measures concerning Administrative Dispositions, etc.)**

An act performed by or against an administrative agency under the former provisions as at the time this Act enters into force shall be deemed an act performed by or against an administrative agency under this Act.

**Article 6 Omitted.**

**Article 7 (Relationship with other Acts and Subordinate Statutes)**

A citation of any provisions of the former [Cultural Heritage Protection Act](#) by any other Act or subordinate statute as at the time this Act enters into force shall be deemed a citation of the provisions of this Act in lieu of the former provisions, if provisions corresponding thereto exist herein.

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