

INTERNATIONAL SHIP REGISTRATION ACT

Act No. 5365, Aug. 22, 1997

Amended by Act No. 8040, Oct. 4, 2006

Act No. 8852, Feb. 29, 2008

Act No. 9441, Feb. 6, 2009

Act No. 11690, Mar. 23, 2013

Act No. 13264, Mar. 27, 2015

Article 1 (Purpose)

The purpose of this Act is to increase the international competitiveness of the shipping industry and to contribute to development of the national economy by prescribing matters concerning the registration of ships which make international voyages, assistance to international ships, etc.

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term "international ship" means any merchant ship engaged on international voyage, which has been registered in the international ship register as prescribed in Article 4;
2. The term "seaman" means a person employed to work aboard an international ship to earn wages;
3. The term "ocean-going transport enterpriser" means a person who has obtained a license for ocean-going passenger liner business or ocean-going passenger tramper business under Article 4 (1) of the Marine Transportation Act, and a person who has registered ocean-going cargo liner business or ocean-going cargo tramper business under Article 24 (2) of the same Act;
4. The term "international ship essential to the nation" means an international ship designated under Article 8 (1) in order to transport commodities essential to the national economy and war supplies in time of war, national emergency, or an emergency corresponding thereto (hereinafter referred to as "emergency").

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 3 (Ships Eligible for Registration)

(1) Ships eligible to be registered as international ships shall be among those falling under any of the following subparagraphs: Provided, That State-owned ships, public-owned ships, and fishing ships under subparagraph 1 of Article 2 of the Fishing Vessels Act shall be excluded herefrom: <Amended by Act No. 13264, Mar. 27, 2015>

1. Ships owned by Korean nationals;
2. Ships owned by corporations established under the Acts of Korea;
3. Where a juristic person, other than that under subparagraph 2, has its main office in Korea and the representative (referring to the whole number of representatives in cases of joint representatives) thereof is a Korean national, ships owned by such juristic person;
4. Ships operated by ocean-going transport enterprisers among foreign ships chartered by ocean-going transport enterprisers or those who registered their vessel leasing services under Article 33 of the Marine Transport Act on condition that the nationality of the Republic of Korea shall be obtained.

(2) The size and age of ships eligible to be registered as international ships as prescribed in paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 4 (Registration Procedures)

(1) The owners of ships eligible to be registered as international ships or ocean-going transport enterprisers or vessel leasing service providers (hereinafter referred to as "shipowners, etc.") shall apply for the registration thereof with the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, shipowners, etc. shall register such ships in the ship register as prescribed in Article 8 (1) and (2) of the Ship Act and obtain a certificate of ship's nationality before registering such ships as international ships. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13264, Mar. 27, 2015>

(2) Where the Minister of Oceans and Fisheries has received an application for registration of international ships as prescribed in paragraph (1), he/she shall ascertain whether such ships are eligible to be registered as international ships under Article 3, and if so, shall register such ships in the register of international ships without delay, and issue a certificate of ship's nationality to the applicant. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Where the registered matters have been changed, the shipowners, etc. of international ships registered as prescribed in paragraph (2) shall apply for a modified registration with the Minister of Oceans and Fisheries within one month from the date on which such fact occurs, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 4-2 (Shipping Services of International Ships)

International ships registered as prescribed in Article 4 shall sail only between Korean ports and foreign ports or between foreign ports: Provided, That this shall not apply where navigation between Korean ports is exceptionally acknowledged in accordance with Article 25 of the Marine Transportation Act.

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 5 (Foreign Seamen's Work on Board Ships)

(1) Shipowners, etc. may allow foreign seamen with certificates of qualification acknowledged by the Minister of Oceans and Fisheries in accordance with the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (hereinafter referred to as "International Convention") to work on board international ships. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where foreign seamen are allowed to work on board international ships as prescribed in paragraph (1), the standards and extent of work on board ships shall be determined by the Minister of Oceans and Fisheries after hearing the opinions of interested parties, such as the federation of labor unions comprised of seamen (hereinafter referred to as "Federation of Seamen's Unions"), association relating to ocean-going transport business established by shipowners, etc. (hereinafter referred to as "Ocean-Going Transport Enterprisers' Association"), and the heads of related central administrative agencies. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 6 (Labor Contracts, etc. of Foreign Seamen)

(1) The Federation of Seamen's Unions and the Ocean-Going Transport Enterprisers' Association shall have the authority to conclude a collective agreement applicable to foreign seamen working on board international ships.

(2) Where shipowners, etc. employ foreign seamen to have them work on board international ships, they shall enter into a labor contract with such foreign seamen in accordance with the collective agreement concluded as prescribed in paragraph (1).

(3) When shipowners, etc. conclude a collective agreement under paragraph (1), they shall report such fact to the Minister of Oceans and Fisheries within 15 days from the date on which such collective agreement is concluded. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 7 Deleted. <by Act No. 13264, Mar. 27, 2015>

Article 8 (Designation of International Ships Essential to Nation and Utilization thereof)

(1) Where the Minister of Oceans and Fisheries deems it necessary for the efficient utilization of international ships and seamen to brace for emergencies, he/she may designate international ships meeting the standards prescribed by Presidential Decree as international ships essential to the nation after consultation with the heads of related central administrative agencies. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries may issue a summons of international ships essential to the nation when emergencies occur. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Where a summons is issued by the Minister of Oceans and Fisheries as prescribed in paragraph (2), the shipowners, etc. of international ships essential to the nation shall comply therewith without delay. <Amended by Act No. 11690, Mar. 23, 2013>

(4) The Minister of Oceans and Fisheries may restrict foreign seamen from working on board international ships essential to the nation designated as prescribed in paragraph (1). In such cases, when loss has incurred to the shipowners, etc. thereof due to the burden of wages by restricting foreign seamen from working on board such ships, the Minister of Oceans and Fisheries shall

compensate for such loss suffered by such shipowners, etc. <Amended by Act No. 11690, Mar. 23, 2013>

(5) Where necessary for the prompt summoning of international ships essential to the nation and efficient performance of duties when emergency occurs, the Minister of Oceans and Fisheries may provide education or training to the shipowners, etc. of international ships essential to the nation on the role, etc. of international ships essential to the nation at least once a year. <Amended by Act No. 11690, Mar. 23, 2013>

(6) The Minister of Oceans and Fisheries may hear the opinions of the heads of related central administrative agencies, shipowners, etc. of international ships essential to the nation, and related organizations, etc. prescribed by Presidential Decree concerning matters prescribed by Presidential Decree, such as the role, etc. of international ships essential to the nation when emergency occurs. <Amended by Act No. 11690, Mar. 23, 2013>

(7) Matters necessary for the procedures for designation and cancellation of international ships essential to the nation, standards for restricting foreign seamen from working on board ships, and standards and procedures for compensation for loss sustained by shipowners, etc. shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 8-2 (Recovery of Compensation for Loss)

(1) The Minister of Oceans and Fisheries shall fully or partially recover compensation for loss where a person who received such compensation under the latter part of Article 8 (4) falls under any of the following:

1. If he/she received compensation for loss by fraud or other wrongful means;
2. If compensation for loss was paid erroneously.

(2) Where the person who shall return the compensation for loss under paragraph (1) fails to do so by its deadline, the Minister of Oceans and Fisheries shall collect such compensation in the same manner as delinquent national taxes are collected.

(3) The procedures, deadline for the recovery of compensation for loss and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13264, Mar. 27, 2015]

Article 9 (Assistance to International Ships)

(1) The Government may grant tax reduction or exemption or other necessary assistance to international ships, as prescribed by related Acts and subordinate statutes.

(2) The Government may provide necessary assistance within budgetary limits to projects agreed upon between labor and management, such as projects assisting the skill development of seamen, etc. for the stable employment of Korean seamen to work on board international ships.

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 10 (Cancellation of Registration)

(1) Where international ships fall under any of the following subparagraphs, the shipowners, etc. thereof shall file an application with the Minister of Oceans and Fisheries for the cancellation of the registration of international ships, within two weeks from the date on which they become aware of such fact: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where the relevant ships are no longer eligible for registration of international ships under Article 3;
2. Where the relevant ships have been destroyed, have sunk, or have been dissolved;
3. Where the existence of the relevant ships remains unclear for as least three months.

(2) Where international ships fall under any of the following subparagraphs, the Minister of Oceans and Fisheries shall cancel the registration of international ships: Provided, That where the shipowners, etc. thereof have failed to apply for the cancellation of registration under paragraph (1) in cases of subparagraph 3, the Minister shall urge the shipowners, etc. thereof to apply for the cancellation of registration within a specified period not to exceed one month, and cancel such registration upon their failure to apply for the cancellation of registration within such period: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where the shipowners, etc. thereof have applied for the cancellation of registration;
2. Where the shipowners, etc. thereof have registered international ships by fraud or other improper means;
3. Where international ships fall under any of the subparagraphs of paragraph (1).

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 11 (Hearings)

If the Minister of Oceans and Fisheries intends to cancel the registration of international ships as prescribed in Article 10 (2) 2 and 3, he/she shall hold a hearing. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 11-2 (Delegation of Authority)

The authority of the Minister of Oceans and Fisheries vested under this Act may be partially delegated to the heads of affiliated agencies, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 12 (Penalty Provisions)

(1) Any person who fails to comply with a summons issued by the Minister of Oceans and Fisheries without good cause in violation of Article 8 (3) shall be punished by imprisonment with labor for not more than five years or a fine not exceeding 50 million won. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13264, Mar. 27, 2015>

(2) Any person who received compensation for loss by fraud or other improper means under the latter part of Article 8 (4) shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won. <Newly Inserted by Act No. 13264, Mar. 27, 2015>

(3) Any person who allowed a foreign seaman without qualifications recognized by the Minister of Oceans and Fisheries to work on board international ships in violation of Article 5 (1) shall be punished by a fine not exceeding five million won. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

Article 13 (Administrative Fines)

(1) Any person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding three million won:

1. Any person who fails to apply for a modified registration, in violation of Article 4 (3);
2. Any person who navigates a ship on an international voyage, in violation of Article 4-2;
3. Any person who fails to report a collective agreement, in violation of Article 6 (3).

(2) Deleted. <by Act No. 13264, Mar. 27, 2015>

(3) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13264, Mar. 27, 2015>

[This Article Wholly Amended by Act No. 9441, Feb. 6, 2009]

ADDENDUM

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

ADDENDUM <Act No. 8040, Oct. 4, 2006>

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

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 9441, Feb. 6, 2009>

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

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

(1) This Act enters into force on the date of its promulgation.

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 13264, Mar. 27, 2015>

Article 1 (Enforcement Date)

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

Articles 2 (Applicability concerning Recovery of Compensation for Loss)

The amended provisions of Article 8-2 shall apply starting from the first person who receives compensation for loss after this Act enters into force.