

# BALLAST WATER MANAGEMENT ACT

Act No. 8788, Dec. 21, 2007

Amended by Act No. 8852, Feb. 29, 2008

Act No. 9613, Apr. 1, 2009

## Article 1 (Purpose)

The purpose of this Act is to contribute to the control of the infusion of harmful aquatic organisms into the Republic of Korea and the conservation of the marine ecosystem through the management of ships' ballast water and sediments therefrom to ensure the effective treatment, exchange, uptake, and discharge of such ballast water.

## Article 2 (Definitions)

For the purposes of this Act:

1. The term "ship" means a ship defined in subparagraph 1 of Article 2 under the Ship Safety Act;
2. The term "ships' ballast water" means water taken on board a ship to control the trim of the ship (including matter dissolved in, or aquatic organisms and pathogens inhabiting, the water);
3. The term "sediment" means matter taken into a ship in the course of taking up ballast water into the ship and settled out of the ballast water or matter left over within the ship after ballast water is discharged;
4. The term "treatment" means to remove, or render harmless, otherwise harmful aquatic organisms by a mechanical, physical, chemical, or biological method;
5. The term "exchange" means to exchange the ballast water loaded on board a ship with water outside of the ship;
6. The term "uptake" means to take up ballast water from outside of a ship into the ship;
7. The term "discharge" means to release ballast water or sediment from the inside of a ship to the outside of the ship: Provided, That excluded herefrom are those related to survey and research for scientific purposes;
8. The term "harmful aquatic organisms" means aquatic organisms or pathogens which, if introduced into waters, such as any river, lake, marsh, or sea, may have hazardous impact on the natural environment, human beings, property, or the diversity of aquatic organisms, or may interfere with the use and development of such waters;
9. The term "ship's ballast water management" means to control the introduction of harmful aquatic organisms through a ship's ballast water in the course of the treatment, exchange, uptake, or discharge

of the ship's ballast water or sediments therein;

10. The term "treatment substance" means a substance or organism (including a virus or a fungus) applied for the treatment of harmful aquatic organisms;

11. The term "jurisdictional waters" means the following waters:

- (a) The territorial sea under Article 1 of the Territorial Sea and Contiguous Zone Act;
- (b) Internal waters under Article 3 of the Territorial Sea and Contiguous Zone Act;
- (c) Exclusive economic zones under Article 2 of the Exclusive Economic Zone Act.

### **Article 3 (Scope of Application)**

(1) This Act applies to the ships of the Republic of Korea that fall under Article 2 of the Ship Act (hereinafter referred to as "ships of the Republic of Korea") and that operate for international navigation (including floating marine structures among ships under subparagraph 1 of Article 2 of the Ship Safety Act).

(2) This Act shall apply to any ship, other than ships of the Republic of Korea, that operates for international navigation (hereinafter referred to as "foreign ship") and that navigates through, or is moored on, jurisdictional waters: Provided, That Articles 9 (1), 11 through 16, 27, 29, 30, and 32 shall not apply to any foreign ship.

(3) Notwithstanding paragraphs (1) and (2), the application of this Act to any of the following ships may be, entirely or partially, waived or relaxed, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008>

1. A ship not constructed to carry ballast water;
2. A warship or a ship for police purposes;
3. A small ship with a length and capacity for carrying ballast water of less than the dimensions prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs;
4. A ship falling under an agreement, if any, between the Government of the Republic of Korea and a foreign government, which falls within the scope of application of this Act;
5. A ship used in any emergency situation specified by Ordinance of the Ministry of Land, Transport and Maritime Affairs, such as rescue of victims of shipwrecks;
6. A ship equipped with facilities for the management of ballast water, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, in order to develop, test, or evaluate new technology for the management of ballast water.

### **Article 4 (Relations to International Convention)**

If the standards provided for in the relevant international convention that internationally takes effect with regard to the management of ships' ballast water and the introduction of harmful aquatic organisms differ from those provided for in this Act, the standards provided for in the relevant international convention shall take precedence in application: Provided, That if the provisions of this Act include more stringent standards than those provided for in the relevant international convention, the provisions of this Act shall take precedence in application.

## **Article 5 (Entry Report)**

Any ship entering into jurisdictional waters after taking up ballast water on board the ship at any waters other than jurisdictional waters shall file an entry report with the Minister of Land, Transport and Maritime Affairs, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

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

## **Article 6 (Prohibition against Discharge of Ships' Ballast Water)**

No owner of a ship (referring to the charterer of a ship, if the ship has been chartered; the same shall apply hereinafter) shall discharge any ship's ballast water or sediments therefrom within the jurisdictional waters: Provided, That the foregoing sentence shall not apply in any of the following cases: *<Amended by*

*Act No. 8852, Feb. 29, 2008>*

1. If the ship's ballast water exchanged or taken up at any waters specified by Ordinance of the Ministry of Land, Transport and Maritime Affairs as waters at which there is no possibility of introducing harmful aquatic organisms is discharged in accordance with the method prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs;
2. If harmful aquatic organisms contained in the ship's ballast water or sediments therefrom have been treated in conformity with the standards prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs;
3. The ship's ballast water or sediments therefrom are discharged to the disposal facility of any disposal services provider of ships' ballast water under Article 21.

## **Article 7 (Designation of Special Zones)**

(1) In order to prevent the disturbance or destruction of the aquatic ecosystem by the infusion of harmful aquatic organisms, the Minister of Land, Transport and Maritime Affairs may designate and publicly notify part of jurisdictional waters as a zone subject to the extraordinary control of ships' ballast water (hereinafter referred to as "special zone"), as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. In such cases, an order to refrain from the exchange, uptake, and discharge of ballast water and to take other necessary measures (hereinafter referred to as "special measure") shall be issued to the ships operating in or moored at the special zone. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister of Land, Transport and Maritime Affairs shall, when he/she intends to designate and publicly notify a special zone pursuant to paragraph (1), consult in advance with the government of each country whose marine ecosystem may be adversely affected by such special measure, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The Minister of Land, Transport and Maritime Affairs shall, when he/she designates and publicly notifies a special zone pursuant to paragraph (1), notify the following ships and appropriate authorities of the details thereof, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. Ships navigating through the special zone on a regular basis;
2. The government of each country whose marine ecosystem may be adversely affected by the special measure;
3. Appropriate international organizations.

#### **Article 8 (Installation of System for Management of Ship's Ballast Water)**

(1) The owner of each ship shall install a system for the treatment of the ship's ballast water (hereinafter referred to as "ballast water treatment system") or for the exchange of the ship's ballast water (hereinafter referred to as "ballast water exchange system") in the ship, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The technical standards for the control devices necessary for ballast water treatment systems or ballast water exchange systems installed in ships in accordance with paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

#### **Article 9 (Preparation of Ballast Water Management Plans)**

(1) The owner of each ship shall prepare a plan describing the process and method of the treatment, exchange, uptake, and discharge of the ship's ballast water (hereinafter referred to as "ballast water management plan") in connection with the management of the ship's ballast water and shall submit it to the Minister of Land, Transport and Maritime Affairs for examination and approval thereon. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The owner of each ship shall treat, exchange, take up, and discharge the ship's ballast water or remove or discharge sediments therefrom in compliance with the ship's ballast water management plan.

(3) The owner of each ship shall conduct training programs for persons who are in charge of the management of the ship's ballast water to ensure that such persons are well aware of the ship's ballast water management plan and carry out their duties in compliance with the plan, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

(4) The owner of each ship shall, keep the ship's ballast water management plan on board the ship, and shall present the ballast water management plan immediately upon receiving a request from the Minister of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

(5) Matters necessary for the mandatory descriptions in each ship's ballast water management plan, the method of preparing the plan, and other relevant matters shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

#### **Article 10 (Keeping Ship's Ballast Water Management Record Books)**

(1) The owner of each ship shall keep a record book on board the ship for entering the records of the ship's ballast water treated, exchanged, taken up, and discharged (hereinafter referred to as "ballast water management record") and shall enter the items specified by Ordinance of the Ministry of Land, Transport and Maritime Affairs, such as the quantities of the ship's ballast water treated, exchanged, taken up, and discharged. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The period for the preservation of each ship's ballast water management record book shall be five years from the date on which the last entry was made in the ballast water management record, and the method of preservation shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

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

(3) The owner of each ship shall present the ship's ballast water management record immediately upon receiving a request from the Minister of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) Matters necessary for the form and the method of recording each ship's ballast water management record shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

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

#### **Article 11 (Approval for Drawings)**

(1) Any person who intends to construct a ship or any ship owner who intends to install a ballast water treatment system or a ballast water exchange system (hereinafter referred to as "ballast water management system") for the first time in the ship shall obtain approval of the Minister of Land, Transport and Maritime Affairs for the drawings of the relevant ship, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. The foregoing sentence shall also apply to intended changes of any approved matter. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister of Land, Transport and Maritime Affairs shall, upon receiving a request for approval for drawings pursuant to paragraph (1), grant approval to such drawings if the drawings meet the standards for the ships' ballast water management under this Act and shall affix a mark of approval on the relevant drawings. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) Any person who has obtained approval under paragraph (1) shall construct or alter the ship in conformity with the approved drawings.

(4) The owner of each ship shall keep the drawings approved pursuant to paragraph (1) in the ship.

#### **Article 12 (Periodic Inspections)**

(1) The owner of each ship shall, when he/she uses, in navigation, a ballast water management system installed for the first time in the ship or when the valid term under Article 15 expires, receive the inspection conducted by the Minister of Land, Transport and Maritime Affairs (hereinafter referred to as "periodic inspection"), as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister of Land, Transport and Maritime Affairs shall issue an inspection certificate of the ship's ballast water management system (hereinafter referred to as "inspection certificate"), as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, for each ship that has successfully passed a periodic inspection. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The owner of each ship who has an inspection certificate in the ship.

#### **Article 13 (Interim Inspections)**

(1) The owner of each ship shall receive an inspection conducted by the Minister of Land, Transport and Maritime Affairs, on the state of maintenance and management of the ship's ballast water management system in between each periodic inspection (hereinafter referred to as "interim inspection"). *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The types of interim inspection shall be divided into Class 1 and Class 2, and the time and procedure for, and the subject matter of, the inspection shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The Minister of Land, Transport and Maritime Affairs shall state the results of an inspection on the inspection certificate under Article 12 (2) for each ship that has successfully passed an interim inspection under paragraph (2). *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 14 (Temporary Inspection)**

(1) The owner of each ship shall, when he/she intends to exchange, alter, or repair the ship's ballast water management system, receive an inspection conducted by the Minister of Land, Transport and Maritime Affairs (hereinafter referred to as "temporary inspection"). *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister of Land, Transport and Maritime Affairs shall state the results of an inspection on the inspection certificate under Article 12 (2) for each ship that has successfully passed a temporary inspection. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The procedure for, and the subject matter of, a temporary inspection shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 15 (Term of Validity of Inspection Certificate)**

(1) The term of validity of each inspection certificate shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs within the maximum of five years. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister of Land, Transport and Maritime Affairs may extend the term of validity of each inspection certificate under paragraph (1) by not more than five months, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) If a ship fails to pass an interim or temporary inspection, the validity of the relevant inspection certificate is suspended until it successfully passes the relevant inspection.

(4) The standards for, and the method of, counting the term of validity under paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 16 (Prohibition against Navigation of Ships without Keeping Inspection Certificate)**

(1) No one shall navigate any ship without an inspection certificate or with an inspection certificate the validity of which is suspended: Provided, That the foregoing sentence shall not apply to cases where a ship is navigated for the purpose of receiving a ship inspection under the Ship Safety Act.

(2) No one shall navigate a ship in any manner inconsistent with the terms and conditions set forth in the relevant inspection certificate: Provided, That the foregoing sentence shall not apply to cases where a ship

is navigated for the purpose of receiving a ship inspection under the Ship Safety Act.

#### **Article 17 (Type Approval, and Testing and Approval)**

(1) Any person who intends to manufacture or import a ship's ballast water treatment system shall obtain approval of the Minister of Land, Transport and Maritime Affairs for the type (hereinafter referred to as "type approval"). *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) Any person who intends to obtain type approval shall successfully pass the test for type approval in advance. The testing standards necessary for the test for type approval shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The Minister of Land, Transport and Maritime Affairs shall issue a letter of type approval prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs to each person who has successfully passed the test for type approval under paragraph (2). *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) Any person who holds type approval and intends to make a change to any matter for which type approval was granted shall obtain approval of the Minister of Land, Transport and Maritime Affairs for amendment. In such cases, if the intended change affects the performance of the ship's ballast water treatment system the person shall receive a test for type approval under paragraph (2) separately for the changed part. *<Amended by Act No. 8852, Feb. 29, 2008>*

(5) Any person who has obtained type approval and approval for amendment under paragraphs (1) through (4) shall receive the testing for approval of the Minister of Land, Transport and Maritime Affairs as for the relevant ballast water treatment system in accordance with the testing and approval standards prescribed and publicly notified by the Minister of Land, Transport and Maritime Affairs. In such cases, any ship's ballast water treatment system that has passed the testing for approval under paragraph (5) shall be deemed to have successfully passed the inspection conducted first out of the periodic, interim, or temporary inspection that shall be conducted pursuant to Articles 12 through 14. *<Amended by Act No. 8852, Feb. 29, 2008>*

(6) The Minister of Land, Transport and Maritime Affairs shall issue a certificate of pass for the testing to any person who has successfully passed the testing under paragraph (5) and shall affix a mark indicating that the ship's ballast water treatment system has successfully passed the testing. *<Amended by Act No. 8852, Feb. 29, 2008>*

(7) Matters necessary for type approval, the test for type approval, the issuance of letters of type approval, approval for amendment, testing and approval, the issuance of certificates of passing the testing, the indication of passing the testing, and other relevant matters under paragraphs 1 through 6 shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 18 (Cancellation of Type Approval)**

The Minister of Land, Transport and Maritime Affairs may, if any person to whom type approval under Article 17 (1) was granted falls under any of the following subparagraphs, cancel such type approval or suspend its validity for a prescribed period not exceeding six months: Provided, That type approval falling

under subparagraph 1 or 2 shall be cancelled without exception: <Amended by Act No. 8852, Feb. 29, 2008>

1. If a person obtained type approval, approval for amendment, or testing and approval by deceit or in any other fraudulent way;
2. If a ship's ballast water treatment system manufactured or imported fails to conform to the testing standards necessary for type approval under Article 17 (2);
3. If a person has failed to manufacture or import the ship's ballast water treatment systems for two consecutive years or longer without any justifiable grounds.

#### **Article 19 (Designation of Testing Institutions for Type Approval)**

(1) The Minister of Land, Transport and Maritime Affairs shall designate a person who meets the designation standards for testing equipment in possession, the certification and maintenance of the quality management system, and other relevant matters prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs as a testing institution that shall conduct tests for type approval under Article 17 (1) and (2) (hereinafter referred to as "testing institution for type approval"). <Amended by Act No. 8852, Feb. 29, 2008>

(2) Any person who intends to have itself designated as a testing institution for type approval shall file an application with the Minister of Land, Transport and Maritime Affairs, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs may, if any testing institution for type approval falls under any of the following subparagraphs, cancel the designation or order it to suspend its business for a prescribed period not exceeding six months: Provided, That the designation of a testing institution falling under subparagraph 1 or 2 shall be cancelled without exception: <Amended by Act No. 8852, Feb. 29, 2008>

1. If a testing institution obtained designation by deceit or in any other fraudulent way;
2. If a testing institution has ceased the testing service for type approval for two consecutive years or longer;
3. If a testing institution no longer meets the designation standards under paragraph (1);
4. If it is found that a testing institution lost public confidence in its testing service for type approval due to mistakes and omissions;
5. If a testing institution rejected an application for testing without any justifiable grounds;
6. If a testing institution committed any fraudulent act or received any unfair fee.

(4) The Minister of Land, Transport and Maritime Affairs shall, when he/she makes the designation pursuant to paragraph (1) or cancel the designation or suspend business pursuant to paragraph (3), give public notice of the details thereof. <Amended by Act No. 8852, Feb. 29, 2008>

(5) Matters necessary for the procedure for the designation of testing institutions for type approval, the supervision over, and the guidance for, testing institutions for type approval by the Minister of Land, Transport and Maritime Affairs shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

## **Article 20 (Approval for Treatment Substances)**

(1) Any person who intends to develop a ballast water treatment system by applying any kind of treatment substances (including a compound containing any treatment substance; the same shall apply hereinafter) for ships' ballast water management shall obtain approval of an international organization for the treatment substance.

(2) The Minister of Land, Transport and Maritime Affairs shall determine and publicly notify the types and method of the application of the treatment substance approved by an international organization in accordance with paragraph (1). The same shall also apply to the cancellation of approval for any treatment substance already approved. <Amended by Act No. 8852, Feb. 29, 2008>

(3) No ship owner shall use any treatment substance which is not approved by an international organization or the approval for which is cancelled: Provided, That any ship that has used the treatment substance approved in accordance with paragraph (1) until the approval is cancelled may use the treatment substance, the approval for which is cancelled, for a limited period until before the next periodic or interim inspection.

## **Article 21 (Ships' Ballast Water Disposal Business)**

(1) Any person who intends to engage in a business of cleaning tanks for containing ballast water in each ship (hereinafter referred to as "ballast tanks") or a business of collecting and treating ballast water from ballast tanks of each ship or sediments therefrom (hereinafter referred to as "ballast water disposal business") with equipment and facilities necessary ready for the collection and disposal of ships' ballast water and sediments therefrom shall file for registration with the Minister of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The equipment and facilities with which any person who intends to register a ballast water disposal business shall provide itself shall be prescribed by Presidential Decree.

(3) Any person who has completed registration under paragraph (1) (hereinafter referred to as "business operator of ballast water disposal service") shall, whenever he/she intends to make a change in any important registered matter specified by Ordinance of the Ministry of Land, Transport and Maritime Affairs, such as the equipment and facilities for storage and disposal of ships' ballast water, file for an amendment of the registration, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

## **Article 22 (Grounds for Disqualifications)**

No person falling under any of the following subparagraphs is qualified to be registered as a ballast water disposal business:

1. A person declared incompetent or quasi-incompetent;
2. A person in whose case one year has not passed since a sentence of imprisonment with prison labor or any heavier punishment pronounced upon him/her was completely executed (or is deemed completely executed) or discharged;

3. A person in whose case one year has not passed since the registration of a ballast water disposal business was cancelled;
4. A legal entity, any executive of which falls under any provision of subparagraphs 1 through 3.

#### **Article 23 (Duties of Business Operators of Ballast Water Disposal Service)**

(1) Every ballast water disposal services provider shall dispose of ships' ballast water and sediments therefrom, prepare a report on the results of disposal of ships' ballast water, and submit the report to the Minister of Land, Transport and Maritime Affairs, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, and shall keep the record book of disposal at the relevant facilities.

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

(2) Every ballast water disposal services provider shall, whenever he/she collects ballast water or sediments from a ship, prepare a certificate for collected ballast water, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, and issue the certificate to the person commissioned to collect ballast water or sediments from the ship. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) Matters necessary for the preparation method and the preservation period of the reports on results of disposal, the record books of disposal, and the certificates of collection of ballast water under paragraphs (1) and (2) and other relevant matters shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 24 (Order to Dispose of Ballast Water)**

The Minister of Land, Transport and Maritime Affairs shall, if any ballast water disposal services provider to whom the disposal of ballast water or sediments from a ship was commissioned neglects to dispose of them in compliance with this Act, order such provider to dispose of them in an appropriate way. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 25 (Succession to Ships' Ballast Water Disposal Business)**

(1) In cases where any ballast water disposal services provider transfers his/her business to a third party or dies, or in cases where a corporation engaging in such business is merged with another corporation, the transferee of, or the heir to, the business or the corporation surviving after, or newly established upon, the merger shall succeed to rights and obligations of the business.

(2) Any person who acquires all facilities and equipment of a business operator of ballast water service through an auction under the Civil Execution Act, proceedings for realization under the Debtor Rehabilitation and Bankruptcy Act, a sale of seized assets under the National Tax Collection Act, the Customs Act, or the Local Tax Act, or any other similar proceedings shall succeed to rights and obligations of the ballast water disposal services provider.

(3) Any person who succeeds to rights and obligations of any ballast water disposal services provider in accordance with paragraphs (1) and (2) shall report thereon to the Minister of Land, Transport and Maritime Affairs within one month, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) Article 22 shall apply mutatis mutandis to the succession under paragraphs (1) and (2).

#### **Article 26 (Cancellation of Registration)**

(1) The Minister of Land, Transport and Maritime Affairs may, if any ballast water disposal services provider falls under any of the following subparagraphs, cancel such registration or order such provider to suspend its business for a prescribed period not exceeding six months: Provided, That such registration must be cancelled without exception in cases falling under any provision of subparagraphs 1 through 4:

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

1. If the ballast water disposal services provider falls under any subparagraph of Article 22: Provided, That the same shall not apply if any executive of a corporation falls under any provision of subparagraphs 1 through 3 of the aforesaid Article but is replaced within six months;
  2. If the ballast water disposal services provider filed for the registration or an amendment of the registration by deceit or in any other fraudulent way;
  3. If the ballast water disposal services provider has been subject to dispositions of business suspension on two or more occasions during one year;
  4. If the ballast water disposal services provider continued business during a period of business suspension;
  5. If the ballast water disposal services provider has failed to perform any registered matters without any justifiable grounds;
  6. If the ballast water disposal services provider breached his/her duty under Article 23;
  7. If the ballast water disposal services provider has failed to comply with, or has rejected, an order issued pursuant to Article 24;
  8. If the ballast water disposal services provider failed to commence business within one year after the registration or has no business performance for one year or more consecutively.
- (2) Further detailed guidelines for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, taking into account the types and degree of such offenses and other relevant factors. *<Amended by Act No. 8852, Feb. 29, 2008>*

#### **Article 27 (Measures against Non-Conforming Ships)**

(1) The Minister of Land, Transport and Maritime Affairs may, if he/she deems that the ballast water management system installed in a ship fails to conform to the technical standards under Article 8 (2), order the owner of the relevant ship to exchange, renovate, alter, or repair the ballast water management system or to take any other necessary measure. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister of Land, Transport and Maritime Affairs may, if he/she deems that harmful aquatic organisms are likely to be introduced into the Republic of Korea because the owner of a ship has failed to comply with an order issued pursuant to paragraph (1) without any justifiable grounds and is still using the ship in navigation, suspend navigation of the ship, until the likelihood of the infusion of harmful aquatic organisms into the Republic of Korea is eliminated. *<Amended by Act No. 8852, Feb. 29, 2008>*

## **Article 28 (Port State's Control over Ballast Water Management)**

(1) The Minister of Land, Transport and Maritime Affairs may inspect and check any foreign ship within the jurisdictional waters of the Republic of Korea to find whether the ballast water management system of the ship conforms to the standards under the relevant international convention on ships' ballast water management and may take necessary measures (hereinafter referred to as "port State's control"). *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The proceedings for the inspection and checks for the port State's control shall be limited to those under the following subparagraphs: Provided, That the foregoing sentence shall not apply to cases where there is any obvious ground specified by Ordinance of the Ministry of Land, Transport and Maritime Affairs to believe that a ship fails to conform to the standards prescribed in any relevant international agreement: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. Verification on the validity of the relevant inspection certificate;
2. Inspection on the record book of the ship's ballast water management;
3. Necessary measures under paragraph (1), such as assigning ship inspectors under Article 34 to collect samples of the ship's ballast water to determine whether the ship conforms to the standards under the relevant international convention, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(3) The Minister of Land, Transport and Maritime Affairs may conduct a closer inspection on a ship, if any obvious ground exists under the proviso to paragraph (2) as a result of the inspection and checks under paragraph (1) or if it fails to present a valid inspection certificate, and may also bar the ship from discharging its ballast water until it becomes capable of discharging its ballast water in conformity with the standards of the relevant international convention. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) The Minister of Land, Transport and Maritime Affairs may, if he/she discovers that a ship has violated any provision of the relevant international convention, place an embargo thereon, place limitations on its movements, demand it to take corrective measures, deport it, or take any other similar measure. *<Amended by Act No. 8852, Feb. 29, 2008>*

(5) The Minister of Land, Transport and Maritime Affairs shall, when he/she discovers any violation of the relevant international convention as a result of the port State's control exercised pursuant to paragraphs (1) through (4), notify the relevant ship of the fact and shall, when he/she bars a ship from discharging pursuant to paragraph (3) or takes any measure under paragraph (4), notify the fact to the government of the country that issued an inspection certificate to the relevant ship. *<Amended by Act No. 8852, Feb. 29, 2008>*

(6) The owner or master of a ship of a foreign nationality for international navigation may, if he/she considers that an order of prohibition against the discharge of the ship's ballast water, an embargo on the ship, limitations on the ship's movements, a demand for corrective measures, or deportation under paragraph (3) or (4) (hereinafter referred to as "order for rectification") is illegal or unfair, file an objection with the Minister of Land, Transport and Maritime Affairs, stating the grounds for the objection therein,

within 90 days from the date on which he/she received the order for rectification, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

(7) The Minister of Land, Transport and Maritime Affairs shall, upon receiving an objection pursuant to paragraph (6), assign public officials under his/her control to conduct an investigation into whether the order for rectification is illegal or unfair and shall notify the relevant petitioner of the results thereof within 60 days: Provided, That the deadline for the notification may be extended by 30 days or less if there is any unavoidable cause or event. <Amended by Act No. 8852, Feb. 29, 2008>

(8) No person who raises any objection against an order for rectification may file an administrative suit without going through proceedings for the objection under paragraphs (6) and (7): Provided, That the foregoing sentence shall not apply to cases falling under Article 18 (2) and (3) of the Administrative Litigation Act.

#### **Article 29 (Port State's Control by Foreign Countries)**

(1) The owner of each ship shall comply with the provisions of the relevant international convention to avoid the detection of any defect in the ship by the port authorities of any foreign country exercising the port State's control.

(2) The Minister of Land, Transport and Maritime Affairs may announce the name and gross tonnage of ships of the Republic of Korea on which orders for embargo have been issued by the port authorities of foreign countries exercising the port State's control, the details of the embargo, and other relevant facts, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

#### **Article 30 (Vicarious Execution of Inspections)**

(1) The Minister of Land, Transport and Maritime Affairs may authorize the Korea Ship Safety Technology Authority under Article 45 of the Ship Safety Act (hereinafter referred to as "KST") or any classification corporation under Article 60 (2) of the aforesaid Act to carry out the following affairs vicariously. In such cases, the Minister of Land, Transport and Maritime Affairs shall conclude an agreement, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008>

1. Approval of drawings under Article 11 (1) and the mark of approval under paragraph (2) of the aforesaid Article;
2. Inspection of ships and the indication of results of the inspection under Articles 12 through 14;
3. Extension of the term of validity of inspection certificates under Article 15 (2);
4. The testing and approval, the issuance of certificates of pass of testing and approval, and the mark of pass for testing and approval under Article 17 (5) and (6).

(2) The term of the agreement under paragraph (1) shall be not more than five years but may be extended, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs shall, when he/she authorizes KST or a classification corporation under paragraph (1) (hereinafter referred to as "agency") to carry out his/her business affairs vicariously, shall publicly notify the details thereof. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Articles 61 and 62 of the Ship Safety Act shall apply mutatis mutandis to supervision over agencies, such as measures against a failure in an agency's performance and the cancellation of agency.

#### **Article 31 (Recognition of Inspections Conducted by Foreign Governments)**

(1) In cases where the Minister of Land, Transport and Maritime Affairs recognizes that the Acts and subordinate statutes in force governing ships' ballast water management in the country to which a foreign ship belongs is equivalent to, or more stringent than, the provisions of this Act, an inspection of the foreign ship, or type approval or the testing and approval for the equipment of the foreign ship, conducted by the relevant foreign government or an agency designated by the foreign government (hereafter referred to as "foreign government" in this Article) shall be deemed an inspection, type approval, or testing and approval under this Act. <Amended by Act No. 8852, Feb. 29, 2008>

(2) A certificate issued, or a mark of pass affixed, by a foreign government after conducting an inspection or any similar process in accordance with paragraph (1) shall be deemed to have an effect identical with the effect of one issued or affixed pursuant to this Act: Provided, That the foregoing sentence shall not apply to any certificate issued, or a mark of pass affixed, by a foreign government that fails to recognize the effect of a certificate or a mark of pass under this Act.

#### **Article 32 (Re-Inspections)**

(1) Any person who has received an inspection, type approval, approval for amendment, or testing and approval under Articles 12 through 14 and Article 17 (1), (4) and (5) may, if he/she raises any objection against the results thereof, file an application for re-inspection, type re-approval, re-approval for amendment, or re-testing and approval (for convenience, hereinafter referred to as "re-inspection") with the Minister of Land, Transport and Maritime Affairs, stating the reasons therefor, within 90 days from the date on which he/she received the notice of the results. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Article 72 (2) and (3) of the Ship Safety Act shall apply mutatis mutandis to the method of, and the procedure for, re-inspections.

#### **Article 33 (Order to Submit Reports and Data)**

(1) The Minister of Land, Transport and Maritime Affairs may, if deemed necessary for preventing the infusion of harmful aquatic organisms by ships' ballast water or sediments therefrom, order the owner of any ship, any person who holds type approval under Article 17 (1), any testing institution for type approval under Article 19 (1), any person who holds approval for a treatment substance under Article 20 (1), any ballast water disposal services provider under Article 21 (3), or any agency under Article 30 (3) (hereafter referred to as "ship owner" in this Article) to submit a report or data as necessary. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs may, if the ballast water management for any ship is found inappropriate as a result of his/her review of the details of a report or data submitted in accordance with paragraph (1) or in any case specified by Ordinance of the Ministry of Land, Transport and Maritime Affairs for any other reason, assign public officials under his/her control to enter the relevant ship or place of business and investigate relevant record books, documents, equipment, and facilities. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The Minister of Land, Transport and Maritime Affairs shall, when he/she intends to conduct an investigation under paragraph (2), notify the relevant ship owner of the investigation plan, including the investigators and the date and time of, the grounds for, and the details of, the investigation at least seven days before the investigation: Provided, That the foregoing sentence shall not apply to cases where it is necessary to take actions urgently due to the sailing schedule of the ship or if it is anticipated that evidence may be destroyed if prior notice is given. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) Any public official who conducts an investigation pursuant to paragraph (2) shall carry an identification card certifying his/her authority with him/her and present it to interested parties.

(5) The Minister of Land, Transport and Maritime Affairs may, if he/she finds a violation of this Act or an order issued pursuant to this Act as a result of an investigation into a ship or place of business pursuant to paragraph (2), issue an order to suspend navigation or make a disposition related to repairs or correction, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008>*

(6) An order issued or a disposition made pursuant to paragraph (5) shall be cancelled immediately when the ground therefor is eliminated.

#### **Article 34 (Ship Inspection Officers)**

The Minister of Land, Transport and Maritime Affairs may assign ship inspection officers under Article 76 of the Ship Safety Act to carry out the following affairs: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. Affairs pertaining to approval of each ship's ballast water management plan under Article 9 (1);
2. Affairs pertaining to approval of drawings under Article 11 (1);
3. Affairs pertaining to periodic, interim, and temporary inspections under Articles 12 through 14;
4. Affairs pertaining to testing and approval under Article 17 (5);
5. Affairs pertaining to port State's control under Article 28;
6. Affairs pertaining to re-inspections under Article 32;
7. Affairs pertaining to access to and investigation into a ship or place of business under Article 33 (2).

#### **Article 35 (Ship Inspectors)**

(1) Any agency that carries out inspections vicariously pursuant to Article 30 (1) may employ ship inspectors to have them carry out the agency's affairs. In such cases, such ship inspectors shall satisfy the qualification requirements for ship inspection officers under Article 76 of the Ship Safety Act.

(2) The Minister of Land, Transport and Maritime Affairs may, if any ship inspector has violated this Act or an order issued pursuant to this Act in the course of his/her performance of duties, request the relevant agency to dismiss the ship inspector from office or to suspend his/her performance of duties for a

prescribed period not exceeding one year. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) Any agency shall, upon receiving a request for dismissal or suspension of performance of duties pursuant to paragraph (2), shall take measures accordingly against the relevant ship inspector without delay and shall report the results thereof to the Minister of Land, Transport and Maritime Affairs.

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

### **Article 36 (Surveys and Research)**

(1) The Minister of Land, Transport and Maritime Affairs may conduct surveys and research on the following matters in order to control the infusion of harmful aquatic organisms by ships' ballast water or sediments therefrom: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. Matters concerning the current status of aquatic organisms in the ports, harbors, and neighboring waters of the Republic of Korea;
2. Matters concerning the designation of special zones for ships' ballast water;
3. Matters concerning the prevention of the infusion of harmful aquatic organisms by ships' ballast water;
4. Matters concerning the development of technology for the ballast water management;
5. Matters concerning the international convention relevant to the application of this Act.

(2) The Minister of Land, Transport and Maritime Affairs may authorize any specialized research institute specified by Presidential Decree to carry out surveys and research under paragraph (1). *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The head of any specialized research institute under paragraph (2) shall report the results of surveys and research to the Minister of Land, Transport and Maritime Affairs, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) The Minister of Land, Transport and Maritime Affairs may provide the specialized research institute under paragraph (2) with the information specified by Ordinance of the Ministry of Land, Transport and Maritime Affairs, such as the actual state of the ballast water management of ships entering, and departing from, each port or harbor. *<Amended by Act No. 8852, Feb. 29, 2008>*

### **Article 37 (Hearings)**

The Minister of Land, Transport and Maritime Affairs shall hold a hearing in any of the following cases, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. Where he/she intends to make a disposition of cancellation of type approval under Article 18;
2. Where he/she intends to cancel the designation of a testing institution for type approval under Article 19 (3);
3. Where he/she intends to cancel the registration of a ballast water disposal business under Article 26;
4. Where he/she intends to cancel the designation of an agency under Article 30 (4);
5. Where he/she intends to request the dismissal of a ship inspector under Article 35 (2).

### **Article 38 (Fees)**

(1) Any person falling under any of the following subparagraphs shall pay fees to the Minister of Land, Transport and Maritime Affairs, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs: Provided, That if an agency carries out the affairs under this Act vicariously, such fees shall be paid to the relevant agency at the rate determined by the agency: <Amended by Act No. 8852, Feb. 29, 2008>

1. A person who files an application for testing and approval for a ballast water management plan for a ship under Article 9 (1);
2. A person who files an application for approval for drawings under Article 11 (1);
3. A person who files an application for the issuance or re-issuance of an inspection certificate under Article 12 (2);
4. A person who files an application for an inspection under any provision of Articles 12 through 14;
5. A person who files an application for type approval or approval for amendment under Article 17 (1) and (4);
6. A person who files an application for testing and approval under Article 17 (5);
7. A person who files an application for the issuance or re-issuance of a certificate of pass for testing and approval under Article 17 (6).

(2) Each agency shall, when it intends to collect fees pursuant to the proviso to paragraph (1), determine the guidelines therefor and obtain approval of the Minister of Land, Transport and Maritime Affairs therefor. The foregoing sentence shall also apply to any amendment to the matters so approved. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The fees that an agency collects pursuant to the proviso to paragraph (1) shall be the agency's revenue.

(4) The Minister of Land, Transport and Maritime Affairs may collect fees necessary for checking compliance with an order for rectification, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, from any ship in which a defect had been discovered as a result of exercising the port State's control under Article 28 and consequently to which the order for rectification was issued. <Amended by Act No. 8852, Feb. 29, 2008>

### **Article 39 (Cooperation in Inspections of Ships)**

Any person who desires to receive an inspection, or testing of and approval for, a ship under this Act (hereafter referred to as "inspection" in this Article) or his/her agent shall attend at the scene of the inspection and cooperate in the inspection as necessary.

### **Article 40 (Delegation of Authority)**

The Minister of Land, Transport and Maritime Affairs may delegate part of his/her authority under this Act to the Administrator of each Regional Maritime Affairs and Ports Office (including the head of each maritime affairs office under the control of the Administrator of each Regional Maritime Affairs and Ports Office), as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9613, Apr. 1, 2009>

#### **Article 41 (Legal Fiction as Public Official in Application of Penal Provisions)**

The executives and employees of each agency under this Act shall be deemed public officials for purposes of Articles 129 through 132 of the Criminal Act.

#### **Article 42 (Penal Provisions)**

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding ten million won:

1. A person who discharges ballast water or sediments from a ship in violation of Article 6;
2. A person who fails to comply with an order issued pursuant to Article 7 (1);
3. A person who navigates a ship without any ballast water management system installed in accordance with Article 8 (1);
4. A person who fails to prepare a ballast water management plan for a ship, or who fails to obtain approval therefor, in violation of Article 9 (1);
5. A person who fails to receive an inspection in violation of any provision of Articles 12 through 14;
6. A person who navigates a ship in violation of Article 16 (1) or (2);
7. A person who fails to receive type approval or testing and approval in violation of Article 17 (1) or (5), who receives such type approval or testing and approval by deceit or in any other fraudulent way, or who passes a test for type approval by deceit or in any other fraudulent way in violation of paragraph (2) of, or the latter sentence of paragraph (4), of the said Article;
8. A person who uses any treatment substance without approval of an international organization in violation of Article 20 (3) or who uses any treatment substance the approval for which is cancelled;
9. A person who engages in a ballast water disposal business without the registration under Article 21 (1) or with such registration made by deceit or in any other fraudulent way;
10. A person whose registration is cancelled pursuant to Article 26 (1) continues business or who is ordered to suspend his/her business continues business during the period of business suspension;
11. A person who navigates a ship in violation of the disposition of suspension of navigation under Article 27 (2);
12. A person who fails to submit a report or data in violation of Article 33 (1) or who submits a false report or false data;
13. A person who refuses, interferes with, or evades the access or investigation of a public official under Article 33 (2) without any justifiable grounds;
14. A person who fails to comply with an order or disposition under Article 33 (5).

#### **Article 43 (Penal Provisions)**

Any person falling under any of the following subparagraphs shall be punished by a fine not exceeding five million won:

1. A person who exchanges, takes up, or discharges a ship's ballast water, or who removes or discharges sediments therefrom, in any manner inconsistent with the manner stated in the ballast water management plan for the ship in violation of Article 9 (2);

2. A person who fails to obtain approval for an amendment in violation of the first sentence of Article 17 (4) or who receives such approval for an amendment by deceit or in any other fraudulent way;
3. A person who fails to follow the method prescribed for the disposal of ballast water or sediments from a ship under Article 23 (1);
4. A person who fails to comply with an order of disposal under Article 24;
5. A person who fails to comply with an order to exchange or otherwise treat the ballast water management system of a ship under Article 27 (1).

#### **Article 44 (Joint Penal Provision)**

If the representative of a legal entity or an agent, an employee, or a servant of a corporation or a private individual committed an offense under Article 42 or 43 in the scope of the business of the corporation or the private individual, not only shall such offender be punished accordingly, but the corporation or the private individual shall also be punishable by the fine prescribed in the relevant Article: Provided, That the foregoing sentence shall not apply to cases where a corporation or a private individual has not neglected reasonable care and supervision in connection with the relevant matter in order to prevent such offense.

#### **Article 45 (Special Cases in Application of Penal Provisions to Foreigners)**

(1) Any foreigner to whom Article 42 is applicable shall be punished by the fine prescribed in the applicable provisions, except for a foreigner who intentionally commits an offense within jurisdictional waters.

(2) Article 2 of the Act on the Exercise of Sovereign Rights on Foreigners' Fishing, etc. within the Exclusive Economic Zone shall apply to the scope of foreigners under paragraph (1), while Articles 23 through 25 of the aforesaid Act shall apply mutatis mutandis to the judicial procedures for foreigners.

#### **Article 46 (Fines for Negligence)**

(1) Any 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 submit an entry report in violation of Article 5;
2. A person who breaches his/her duty to conduct educational programs under Article 9 (3);
3. A person who breaches his/her duty to keep or present the ballast water management plan for a ship under Article 9 (4);
4. A person who breaches his/her duty to keep, record, preserve, or present a record book of the ballast water management for a ship under any provision of Article 10 (1) through (3);
5. A person who fails to keep approved drawings in a ship in violation of Article 11 (4);
6. A person who fails to keep an inspection certificate in a ship in violation of Article 12 (3);
7. A person who fails to file for the registration of any change under Article 21 (3);
8. A person who fails to prepare and submit a report on results of disposal, or who fails to keep a record book of disposal, in violation of Article 23 (1);
9. A person who fails to issue a certificate for collected ballast water from a ship, or who prepares a false certificate, in violation of Article 23 (2);

10. A person who fails to file a report, or who files a false report, on succession to rights and obligations of any ballast water disposal services provider in violation of Article 25 (3);
11. A person on whom an embargo is placed in a foreign port due to his/her noncompliance with the relevant international convention under Article 29 (1).
- (2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister of Land, Transport and Maritime Affairs, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) through (5) Deleted. *<by Act No. 9613, Apr. 1, 2009>*

#### ADDENDA

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

This Act shall enter into force on the date on which the International Convention for the Control and Management of Ships' Ballast Water and Sediments takes effect for the Republic of Korea.

##### **Article 2 (Applicability of Duty to Install Systems and Periodic Inspections)**

The duty to install a system under Article 8 and periodic inspections under Article 12 shall be applicable to the ships constructed on or after the date on which this Act enters into force: Provided, That as to the ships constructed before the date on which this Act enters into force, such duty and periodic inspections shall be applicable to the ships placed in dock for inspection in accordance with the Ship Safety Act on or after the date on which this Act enters into force.

##### **Article 3 (Transitional Measure concerning Approval for Drawings)**

The ships constructed before this Act enters into force shall be deemed to have obtained approval for drawings in accordance with Article 11 (1).

##### **Article 4 (Transitional Measure concerning Tests for Type Approval)**

The systems that received type approval, a test for type approval, or testing and approval from the Minister of Land, Transport and Maritime Affairs in accordance with the International Convention for the Control and Management of Ships' Ballast Water and Sediments or any provisions equivalent thereto shall be deemed to have received type approval, a test for type approval, or testing and approval under Article 17.

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

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. 9613, Apr. 1, 2009>*

This Act shall enter into force on the date on which the International Convention for the Control and Management of Ships' Ballast Water and Sediments takes effect for the Republic of Korea.

