

MARITIME SAFETY ACT

Wholly Amended by Act No. 10801, jun. 15, 2011

Amended by Act No. 11197, Jan. 17, 2012

Act No. 11690, Mar. 23, 2013

Act No. 11862, jun. 4, 2013

Act No. 12221, Jan. 7, 2014

Act No. 12489, Mar. 18, 2014

Act No. 12538, Mar. 24, 2014

Act No. 12844, Nov. 19, 2014

Act No. 13002, Jan. 6, 2015

Act No. 13186, Feb. 3, 2015

Act No. 13386, jun. 22, 2015

Article 1 (Purpose)

The purpose of this Act is to promote maritime safety and smooth traffic of vessels by establishing a safety control system for safe navigation of vessels and by removing all hazards and obstructions to the navigation of vessels.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12581, May 14, 2014>

1. The term "maritime safety control" means activities conducted to reduce the possibility of accidents likely to arise in the course of all activities related to the operation of vessels by comprehensively and systematically managing human elements, such as seafarers and ship owners, physical elements, such as vessels and cargoes, and environmental elements, such as navigational aids and facilities, and safety control systems;
2. The term "vessel" means any kind of a ship used or usable as a means of navigation on the water (including a seaplane or wing-in-ground (WIG) craft capable of moving on the water);
3. The term "seaplane" means an aircraft capable of moving on the water;
4. The term "WIG craft" means a vessel capable of flying slightly above the surface of the water by using the surface effect;
5. The term "Korean vessel" means a vessel defined in any subparagraph of Article 2 of the Ship Act;

6. The term "hazardous cargo carrier" means a vessel carrying hazardous cargoes specified by Ordinance of the Ministry of Oceans and Fisheries and loaded into the cargo hold, which is a part of the hull of the vessel, or into a tank, etc. fixed to the hull of the vessel;
7. The term "giant vessel" means a vessel of at least 200 meters in length;
8. The term "high-speed passenger vessel" means a passenger vessel sailing at a speed of at least 15 knots per hour;
9. The term "power-driven vessel" means a vessel propelled by an engine: Provided, That a vessel equipped with a sail shall be deemed a power-driven vessel, if she is mainly propelled by an engine;
10. The term "sailing vessel" means a vessel driven by sails: Provided, That a vessel equipped with an engine shall be deemed a sailing vessel, if she is mainly driven by sails;
11. The term "fishing vessel" means a vessel engaged in fishing with nets, fishing lines, trawlnets, or any other fishing gear that restricts maneuverability;
12. The term "vessel not under command" means a vessel that becomes unmaneuverable by a failure or any other cause that restricts the maneuverability of the vessel and incapable of keeping away from the course of another vessel;
13. The term "vessel restricted in her ability to maneuver" means a vessel incapable of keeping away from the course of another vessel because the vessel is engaged in any of the following works or any other operation that restricts the maneuverability of the vessel:
- (a) Laying, repairing, or lifting a navigational aid, submarine cable, or submarine pipeline;
 - (b) Dredging, surveying, or an underwater operation;
 - (c) Furnishing supplies or transferring people or cargoes underway;
 - (d) Taking off or landing of aircraft;
 - (e) Clearance of mines;
 - (f) A towing operation that greatly restricts the capability of deviating from the course;
14. The term "vessel constrained by her draught" means a power-driven vessel with the significantly restricted capability of deviating from her course in the light of the relation between the depth and breadth of the navigable waters and the draught of the vessel;
15. The term "marine facility" means a bridge, tunnel, cable, artificial island, or facility fixed to the ocean floor or a structure floating on the water for the purpose of exploration and development of resources, scientific marine surveys, mooring and repair of vessels, loading to and unloading from vessels, floating housing, tourism, leisure, etc., which is not a vessel;
16. The term "marine traffic safety examination" means expert investigation, monitoring, and assessment of risks to the safety of navigation, which are likely to be caused by any of the following projects that might affect the safety of marine traffic (hereinafter referred to as "projects subject to safety examination"):
- (a) Designation, public notification, or alteration of sea lanes or anchorages;

- (b) Designation or alteration of a water zone in which navigation of vessels is prohibited or restricted;
- (c) Construction, laying, or repair of facilities, such as bridges, tunnels, and cables, in a water zone;
- (d) Development and re-development of a port, harbor, or wharf;
- (e) Other projects specified by Presidential Decree as those that affect the safety of marine traffic;

17. The term "obstruction to navigation" means a thing specified by Ordinance of the Ministry of Oceans and Fisheries as an obstruction to the navigation of vessels, such as a thing dropped down from a vessel and a vessel sunken or stranded, or a thing swept away from such vessel;

18. The term "traffic lane" means a water zone defined with specified bounds through which vessels are permitted to pass only in one direction in order to secure the safety in navigation of vessels;

19. The term "restricted visibility" means a situation in which visibility is restricted by fog, smoke, snow, rain, sandstorm, or any other similar event;

20. The term "sea-lane designation scheme" means a scheme under which the route and speed of a vessel and other matters relating to the operation of vessels are designated;

21. The term "marine traffic control system" means monitoring movements of vessels and providing vessels with safety-related information by installing and operating equipment capable of detecting the location of each vessel and communicating with vessels so as to promote safety and efficiency in marine traffic and protect marine environment and facilities;

22. The term "underway" means a state of a vessel not specified in any of the following:

- (a) The state of being anchored;
- (b) The state of being moored to a mooring facility, such as a dock in a port or harbor (including a vessel moored to a mooring buoy or an anchored vessel);
- (c) The state of being aground;

23. The term "length" means the maximum horizontal distance from the end of the stemhead to the end of the stern, including protrusions fixed to the hull;

24. The term "breadth" means the maximum horizontal distance from an external side of the outer hull panel, transverse to the length of a vessel, to the other external side of the outer hull panel;

25. The term "traffic separation scheme" means a scheme under which traffic lanes are separated by designating traffic lanes or by other appropriate means so as to permit vessels to navigate only in one direction in order to prevent vessels from being collided;

26. The term "separation line" or "separation zone" means a line or water zone of a specified breadth, which separates traffic lanes in one direction from those in the other direction;

27. The term "inshore traffic zone" means a water zone between the boundary line on the shore side of a traffic separation zone and the seashore;

28. The term "tow" means the entire group of vessels towing and towed or pushing and pushed;

29. The term "speed through the water" means the speed of a vessel through the water, which is generated by the operation of the propulsion system of the vessel or another vessel or by the inertia of the vessel from the operation of such system.

Article 3 (Scope of Application)

(1) This Act shall apply to a vessel or marine facility defined in any of the following subparagraphs:

1. A vessel or marine facility situated within the territorial sea or inland waters of the Republic of Korea (excluding rivers, lakes, swamps, etc. in which a seagoing vessel cannot continue navigation; the same shall apply hereinafter): Provided, That this Act shall partially apply to any of the following vessels, among vessels other than Korean vessels (hereinafter referred to as "non-Korean vessels"), as prescribed by Presidential Decree, when any provision of Articles 46 through 50 applies to such non-Korean vessel:

(a) A vessel navigating between ports of the Republic of Korea;

(b) A vessel chartered as bareboat on condition that she shall obtain Korean nationality;

2. A Korean vessel situated in any sea area other than the territorial sea or inland waters of the Republic of Korea;

3. A vessel that has created an obstruction to navigation in the exclusive economic zone of the Republic of Korea;

4. A marine facility situated in the exclusive economic zone or continental shelf of the Republic of Korea.

(2) The provisions regarding shipowners in this Act and in an order issued under this Act shall apply to a ship manager, if a ship manager has been appointed where the ship involved is co-owned, or to the lessee of a ship, if the ship involved is leased, while the provisions regarding shipmasters shall also apply to a person who acts on behalf of a shipmaster.

(3) The provisions regarding the owners of a marine facility in this Act or in an order issued under this Act shall apply to a lessee of such marine facility, where the facility is leased.

Article 4 (Responsibilities of State, etc.)

(1) The State and local governments shall take matters regarding maritime safety into consideration when they formulate a policy for the use or conservation of oceans.

(2) In order to promote citizens' safety in the utilization of oceans, the State shall endeavor to provide citizens with knowledge and information about maritime safety and educational programs for maritime safety and to promote the culture of maritime safety.

(3) The State shall endeavor to efficiently promote international cooperation with foreign countries, international organizations, etc. with regard to maritime safety, including technical cooperation, exchange of information, and joint investigations and research, and shall assist the industries related to maritime safety as necessary for the promotion and internationalization of such industries.

Article 5 (Responsibilities of Owners of Vessels and Marine Facilities)

The owner of a vessel or marine facility shall conduct educational and training programs for his/her employees in cooperation with the State in implementing policies on maritime safety and shall comply with regulations on safety so as to prevent marine accidents that are likely to be caused by the vessel or marine facility owned and managed, or operated by the owner.

Article 6 (National Master Plan for Maritime Safety)

(1) The Minister of Oceans and Fisheries shall formulate a national master plan for the promotion of maritime safety for every five years (hereinafter referred to as the "master plan"); Provided, That a plan for the improvement of the environment for navigation in the master plan may be formulated for every ten years. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) When the Minister of Oceans and Fisheries formulates the master plan pursuant to paragraph (1), he/she shall consult thereon with the heads of related administrative agencies. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Matters necessary for the formulation and implementation of the master plan under paragraph (1) shall be prescribed by Presidential Decree.

Article 7 (Implementation Plans for Maritime Safety)

(1) In order to implement a master plan, the Minister of Oceans and Fisheries shall formulate an implementation plan for maritime safety for each year (hereinafter referred to as the "implementation plan"). *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) If the Minister of Oceans and Fisheries deems it necessary for the formulation of an implementation plan, he/she may request the head of a related administrative agency, the head of a public institution defined in Article 4 of the Act on the Management of Public Institutions, or any other appropriate person to present data or an opinion thereon or to cooperate with him/her in any other manner. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The details that shall be contained in the implementation plan under paragraph (1) and matters necessary for the procedure, method, etc. for the formulation of the implementation plan shall be prescribed by Presidential Decree.

Article 8 (Designation of Protection Zones and Permission for Entry to such Zones)

(1) The Minister of Oceans and Fisheries may designate a zone for the safe navigation of vessels and the protection of a marine facility (hereinafter referred to as "protection zone") in the sea area around a marine facility. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Whoever intends to enter a protection zone shall obtain permission therefor from the Minister of Oceans and Fisheries, and the Minister of Oceans and Fisheries may permit a person to enter a protection zone, when he/she finds that such entry is unlikely to create a hindrance to securing the safety of such marine facility or that such entry is necessary for public interest. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries may attach necessary conditions to the permission granted for an entry under paragraph (2). *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) If the Minister of Oceans and Fisheries deems it necessary for the permission to be granted for an entry under paragraph (2), he/she shall consult thereon with the heads of related administrative agencies. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) The scope of protection zones shall be prescribed by Presidential Decree, and matters necessary for the permission for an entry to a protection zone shall be prescribed by Ordinance of the Ministry of Oceans

and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 9 (Entry to Protection Zones)

(1) Notwithstanding Article 8 (2), a person may enter a protection zone without permission therefor from the Minister of Oceans and Fisheries in any of the following cases: <Amended by Act No. 11690, Mar. 23, 2013>

1. If it is impossible to maneuver a vessel due to a failure or any other cause in the vessel;
2. If it is inevitable to avoid a marine accident;
3. If it is necessary to rescue a human life or a vessel in an imminent danger;
4. If the head of a related administrative agency intends to execute any work for securing safety at sea;
5. If an authority responsible for the operation or management of a marine facility intends to enter the protection zone for the marine facility.

(2) Matters necessary for the entry to a zone under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 10 (Designation, etc. of Specific Sea Areas for Traffic Safety)

(1) The Minister of Oceans and Fisheries may designate a sea area referred to in either of the following subparagraphs as a sea area in which a massive accident is likely to occur (hereinafter referred to as "specific sea area for traffic safety"): <Amended by Act No. 11690, Mar. 23, 2013>

1. A sea area with heavy marine traffic;
2. A sea area with frequent traffic of giant vessels, hazardous cargo carriers, high-speed passenger vessels, etc.

(2) The Minister of Oceans and Fisheries may implement a sea-lane designation scheme in a specific sea area for traffic safety, hearing opinions thereon from the heads of related administrative agencies, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The scope of specific sea areas for traffic safety shall be prescribed by Presidential Decree.

Article 11 (Measures to Secure Safety in Navigation of Giant Vessels, etc.)

Where the Chief of a Coast Guard Station deems it necessary to secure safety in navigation when a giant vessel, a hazardous cargo carrier, an express ferry, or any other vessel specified by Ordinance of the Ministry of Oceans and Fisheries intends to travel through a specific sea area for traffic safety, he/she may issue an order to the shipmaster or shipowner with respect to the following matters: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 13386, Jun. 22, 2015>

1. Change of the timing for travel;
2. Change of the route;
3. Restriction on navigation of the vessel if visibility is restricted;
4. Limits on speed;
5. Use of a pilot boat;

6. Other matters specified by Ordinance of the Ministry of Oceans and Fisheries.

Article 12 (Restriction, etc. on Fisheries)

(1) No vessel engaging in fishing in a specific sea area for traffic safety shall disturb the navigation of other vessels navigating the specific sea area for traffic safety in accordance with the relevant sea-lane designation scheme.

(2) No person shall set up a fishing net or other fishing gear affecting the navigation of vessels or engage in sea farming in a specific sea area for traffic safety.

(3) Where a person exercises a fishery right for which a license was issued for a sea area before the sea area is designated as a specific sea area for traffic safety, paragraph (2) shall not apply until the end of the period of validity for the relevant fishery license.

(4) Where a Special Self-Governing Province Governor or the head of a Si/Gun/Gu (Gu refers to an autonomous Gu) intends to issue a fishery license for a specific sea area for traffic safety (including a permit for the extension of the period of validity of a fishery license), he/she shall pre-consult thereon with the Minister of Public Safety and Security. *<Amended by Act No. 12844, Nov. 19, 2014>*

Article 13 (Works or Operations)

(1) Any person who intends to lay a submarine cable or pipeline, dredge, conduct a survey, salvage a sunken vessel, or perform any other work or operation likely to disturb the navigation of vessels in a specific sea area for traffic safety, shall obtain permission therefor from the Minister of Public Safety and Security: Provided, That the foregoing shall not apply to works for maritime safety, such as works performed by the State pursuant to any related Act or subordinate statute for installing navigational aids or conducting surveys on waterways. *<Amended by Act No. 12844, Nov. 19, 2014>*

(2) Where the Minister of Public Safety and Security grants permission under paragraph (1), he/she shall notify the Minister of Oceans and Fisheries thereof, and the Minister of Oceans and Fisheries shall give public notice thereof. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(3) Where a person to whom permission for works or operations was granted under paragraph (1) falls under any of the following cases, the Minister of Public Safety and Security may revoke the permission or may order the person to completely or partially suspend such work or operation for a period not exceeding six months: Provided, That where such person falls under subparagraph 1 or 4, the relevant permission must be revoked: *<Amended by Act No. 12844, Nov. 19, 2014>*

1. Where the person obtains permission under paragraph (1) fraudulently or deceptively;
2. Where the person is deemed incapable of continuing works or operations, as the works or operations are behind schedule;
3. Where the person breaches a condition attached to permission granted under paragraph (1) or a provision of the permission;
4. Where the person continues works or operations during the period of suspension in violation of an order for suspension.

(4) Where the period of permission granted under paragraph (1) lapses or the permission is revoked, the person to whom the permission was granted shall remove the structures in the area and shall reinstate the area to its original state.

(5) Detailed guidelines and procedures for permission for works or operations under paragraph (1) and for the administrative dispositions made under paragraph (3), and other necessary matters shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

Article 14 (Restrictions on Passage of Oil Tankers)

(1) No shipmaster or navigator on duty of navigation of a vessel carrying any of the following petroleum or hazardous liquid substances (hereinafter referred to as "oil tanker") shall pass through a sea area through which the passage of oil tankers is prohibited (hereinafter referred to as "sea area subject to prohibition against passage of oil tankers") in order to ensure safe navigation of oil tankers and to prevent marine pollution by marine accidents: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12581, May 14, 2014>

1. A vessel laden with and carrying at least 1,500 kilo liters of crude oil, heavy oil, light oil, hydrocarbon oil defined in subparagraph 2 (a) of Article 2 of the Petroleum and Petroleum Substitute Fuel Business Act, similar to any of those stated above, a fake petroleum product defined in subparagraph 10 of the same Article, or any kind of oil specified by Ordinance of the Ministry of Oceans and Fisheries as similar to crude oil, heavy oil, or light oil, from among petroleum substitute fuels defined in subparagraph 11 of the same Article;

2. A vessel laden with and carrying at least 1,500 tons of a hazardous liquid substance defined in subparagraph 7 of Article 2 of the Marine Environment Management Act.

(2) The scope of the sea areas subject to prohibition against passage of oil tankers shall be prescribed by Presidential Decree.

(3) In any of the following cases, an oil tanker may navigate a sea area subject to prohibition against passage of oil tankers, notwithstanding paragraph (1):

1. When a severe danger to the safety of the vessel is feared to arise due to deteriorating weather conditions;
2. When it is necessary to rescue a human life or a vessel;
3. When the vessel carries an emergency patient;
4. When the vessel enters or departs from a port or harbor. In such cases, an oil tanker shall enter or depart from a port or harbor through the nearest route to the port from the area outside of the sea area subject to prohibition against passage of oil tankers, thoroughly taking into account conditions for navigation, such as weather conditions and the depth of the sea area for entry or departure and other sea conditions.

Article 15 (Marine Traffic Safety Examinations)

(1) The Minister of Oceans and Fisheries shall require a person who intends to implement a project subject to safety examinations (excluding where the person is the head of the State organ or the head of a local

government; hereinafter referred to as "project implementer") to conduct marine traffic safety examinations in accordance with the standards prescribed for safety examinations by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12581, May 14, 2014>*

(2) Where a project implementer intends to obtain permission, authorization, or approval or file a report (hereinafter referred to as "permission, etc.") pursuant to the Harbor Act, the Public Waters Management and Reclamation Act, the Act on the Arrival, Departure, etc. of Ships into and from Ports, or any other Act or subordinate statute regarding the utilization or conservation of oceans with respect to a project subject to safety examinations, it shall submit a report on the findings of the marine traffic safety examination conducted pursuant to paragraph (1) (hereinafter referred to as "safety examination report") to the head of an administrative agency with authority for permission, etc. (hereinafter referred to as "disposing authority"). *<Amended by Act No. 13186, Feb. 3, 2015>*

(3) The scope of projects subject to safety examinations, for which marine traffic safety examinations shall be conducted and a safety examination report shall be submitted in accordance with paragraphs (1) and (2), shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 12581, May 14, 2014>*

(4) Upon receipt of a safety examination report submitted pursuant to paragraph (2), the disposing authority shall submit the report to the Minister of Oceans and Fisheries within ten days from the date of receiving the report from the project implementer before granting permission, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) The Minister of Oceans and Fisheries shall review a safety examination report within 45 days from the date of receipt of the safety examination report from the disposing authority and shall notify the disposing authority of his/her opinion thereon (hereinafter referred to as "opinion on the review"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. In such cases, no period required for supplementing documents of a safety examination report or for consultation with related agencies shall be included in a period specified for notification. *<Amended by Act No. 11690, Mar. 23, 2013>*

(6) The disposing authority shall notify opinions on the review to the relevant project implementer within ten days from the date of receiving such opinions on the review from the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(7) Except as otherwise provided for in paragraphs (1) through (5), necessary matters concerning marine traffic safety examinations, such as the preparation, deadline for submission, review, and disclosure of a safety examination report, and the education of technical human resources for examinations, shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12581, May 14, 2014>*

Article 16 (Projects, etc. Exempt from Submission of Safety Examination Reports)

(1) If a project implementer considers it unnecessary to submit a safety examination report because its project subject to safety examinations falls under either of the following subparagraphs, it shall submit a written opinion on the objectives, and details of the project involved and the reasons why it is not necessary to submit a safety examination report to the Minister of Oceans and Fisheries, as prescribed by

Ordinance of the Ministry of Oceans and Fisheries, notwithstanding Article 15 (2): <Amended by Act No. 11690, Mar. 23, 2013>

1. A project that shall be implemented urgently for the safety in navigation of vessels or for the preparation against, or recovery from, a disaster;
2. Any other project specified and publicly notified by the Minister of Oceans and Fisheries as a project less likely to affect the navigation of vessels.

(2) Upon receipt of a written opinion under paragraph (1), the Minister of Oceans and Fisheries shall review the written opinion, determine, within 30 days from the date of receiving the written opinion, whether it is necessary to submit a safety examination report, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and give notice of the results thereof. In such cases, the period required for the supplementation of documents of a written opinion shall not be included in the period specified for notification. <Amended by Act No. 11690, Mar. 23, 2013>

(3) When a project implementor is notified by the Minister of Oceans and Fisheries that it shall submit a safety examination report pursuant to paragraph (2), the project implementer shall submit the safety examination report to the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(4) The Minister of Oceans and Fisheries shall review a safety examination report within 45 days from the date of receiving the safety examination report from a project implementer and then notify the relevant project implementer of his/her opinion on the review. In such cases, the period required for the supplementation of documents of a safety examination report or the consultation with related agencies shall not be included in the period specified for notification. <Amended by Act No. 11690, Mar. 23, 2013>

Article 17 (Petition for Objection to Opinion on Review)

(1) A project implementer who has an objection against an opinion on the review may file a petition for objection with the Minister of Oceans and Fisheries via the disposing authority. In such cases, a project implementer shall file a petition for objection with the disposing authority within 30 days from the date of receiving the opinion on the review: Provided, That if a natural disaster or any other event beyond control occurs, the duration of such disaster or event shall not be included in the period specified for submission. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall examine the validity of a petition filed for objection pursuant to paragraph (1) and shall notify the person who filed the petition for objection of the results thereof (hereinafter referred to as "results of examination") via the disposing authority within 20 days, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That if a natural disaster or any other event beyond control occurs, the period specified for notification may be extended by not more than ten days. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for the method, procedure, etc. for a petition for objection under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 18 (Permission, etc. by Disposing Authority)

- (1) The disposing authority shall reflect the opinion on the review, against which no petition for objection has been filed, or the results of examination in granting permission, etc., and shall notify the Minister of Oceans and Fisheries of the permission, etc. granted. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) The disposing authority shall check whether a project implementer implements the project in accordance with the opinion on the review, against which no petition for objection has been filed, or the results of examination and may request the project implementer to submit data about its compliance or may conduct an on-site investigation.
- (3) If the disposing authority finds that a project implementer does not perform in accordance with the opinion on the review, against which no petition for objection has been filed, or the results of examination, it shall issue a written order to the project implementer to perform as ordered by a deadline specified for performance.
- (4) If the disposing authority finds that a project implementer's non-compliance with an order issued under paragraph (3) is likely to seriously affect safety in marine traffic, it shall issue an order to completely or partially suspend the project involved.
- (5) If the disposing authority grants permission, etc. without following the procedure provided for in Article 15 (2) through (5), the Minister of Oceans and Fisheries may request the disposing authority to revoke the permission, etc., suspend the project involved, remove artificial structures, suspend the operation of such structures, restore the area to its original state, and take other necessary measures. In such cases, the disposing authority shall comply with such request, except in any extenuating circumstances. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12581, May 14, 2014>*

Article 18-2 (Marine Traffic Safety Examinations, etc. by State Organs or Local Governments)

- (1) Notwithstanding the provisions of Article 15, the head of a state organ or the head of a local government shall submit a safety examination report to the Minister of Oceans and Fisheries and shall request consultations thereon, when he/she intends to implement a project subject to safety examinations.
- (2) Upon receipt of a request for consultations under paragraph (1), the Minister of Oceans and Fisheries shall review the safety examination report within 45 days from the date on which he/she is requested for consultations thereon and shall notify his/her opinion on the review to the head of the state organ or the head of the local government who requests consultations.
- (3) If the head of a state organ or the head of a local government has an objection to the opinion on the review under paragraph (2), he/she may request re-consultation thereon to the Minister of Oceans and Fisheries within 30 days from the date on which he/she is notified of the opinion on the review, stating the details of, and the reasons for, the objection, etc.: Provided, That if a natural disaster or any event beyond control occurs, a period during which such disaster or event continues shall be excluded from a period during which a request for re-consultation shall be made.
- (4) Upon receipt of a request for re-consultation under paragraph (3), the Minister of Oceans and Fisheries shall examine its validity and shall notify the results of the examination to the head of the state organ or

the head of the local government who requests re-consultation within 20 days from the date on which he/she receives a request for re-consultation: Provided, That a period for notification may be extended by up to ten days, if a natural disaster or any event beyond control occurs.

(5) The head of a state organ or the head of a local government shall implement a project subject to safety examinations in accordance with the opinion of the review or the results of the examination notified by the Minister of Oceans and Fisheries.

(6) Except as otherwise provided for in paragraphs (1) through (5), matters necessary for the methods and procedures for the submission of a safety examination report by the head of a state organ or the head of a local government and the consultations and re-consultation thereon, etc. shall be prescribed by Presidential Decree.

(7) If the head of a state organ or the head of a local government implements a project subject to safety examinations without undergoing the procedures provided for in paragraphs (1) through (4) or without following the opinion of the review or the results of the examination notified by the Minister of Oceans and Fisheries under paragraph (5), the Minister of Oceans and Fisheries may request the head of the state organ or the head of the local government to revoke the project plan, discontinue the project, remove artificial structures, discontinue operation, restore the project to the originate state, or take any other necessary measures. In such cases, the head of a state organ or the head of a local government shall comply with the request of the Minister of Oceans and Fisheries, except in any extenuating circumstances.

(8) Notwithstanding paragraph (1), if the head of a state organ or the head of a local government finds it unnecessary to submit a safety examination report because the project subject to safety examinations, which he/she intends to implement, falls under any subparagraph of Article 16 (1), he/she shall submit a letter of opinion to the Minister of Oceans and Fisheries for consultations, stating the objectives and details of the project, the reasons why it is unnecessary to submit a safety examination report, etc. therein.

(9) Except as otherwise provided for in paragraph (8), matters necessary for the preparation and review of a letter of opinions, the notification of the results of review, etc. shall be prescribed by Presidential Decree.

Article 19 (Agency for Marine Traffic Safety Examinations)

(1) A project implementer specified in Article 15 (1) or the head of a state organ or the head of a local government, who shall request consultations to the Minister of Oceans and Fisheries under Article 18-2 (1), may authorize a safety examination agent registered pursuant to paragraph (2) to conduct marine traffic safety examinations on his/her behalf. *<Amended by Act No. 12581, May 14, 2014>*

(2) A person who intends to provide services as an agency for marine traffic safety examinations (hereinafter referred to as "safety examination agent") shall meet the requirements prescribed for qualification by Ordinance of the Ministry of Oceans and Fisheries, such as technical human resources and equipment, and shall register itself with the Minister of Oceans and Fisheries. The same procedure shall also apply where it is intended to modify a description specified by Ordinance of the Ministry of Oceans and Fisheries among registered descriptions. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Except as otherwise provided for in paragraph (2), the procedures for registration and matters necessary for the issuance, etc. of certificates of registration shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 20 (Grounds for Disqualification of Safety Examination Agents)

None of the following persons shall be qualified for registration as a safety examination agent: <Amended by Act No. 12489, Mar. 18, 2014>

1. A person under adult guardianship, a person under limited guardianship, or a minor;
2. A person in whose case two years have not passed yet since a sentence of imprisonment without labor or any heavier punishment imposed upon him/her for a violation of this Act or for the destruction of a lighthouse or sign or for the obstruction of traffic of vessels under Article 186 of the Criminal Act was completely executed (including where it is deemed completely executed) or discharged;
3. A person who is still in the period of suspension specified in a sentence of suspension of imprisonment without labor or any heavier punishment imposed upon him/her for a violation of this Act or for the destruction of a lighthouse or sign or for the obstruction of traffic of vessels under Article 186 of the Criminal Act;
4. A person in whose case two years have not passed yet since the date on which he/she had registration revoked under Article 33.

Article 21 (Succession to Rights and Obligations)

(1) When a person or corporation registered as a safety examination agent pursuant to Article 19 transfers his/her business or is merged to another corporation, the transferee or the corporation surviving the merger or newly established as a consequence of the merger shall succeed to rights and obligations that have arisen from the registration.

(2) A person who succeeds rights and obligations under paragraph (1) shall report to the Minister of Oceans and Fisheries thereon within 30 days from the date of succession, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Article 20 shall apply mutatis mutandis to a person who acquires a safety examination agent pursuant to paragraph (1).

Article 22 (Reporting of Temporary or Permanent Closure of Business)

When a person registered as a safety examination agent intends to temporarily or permanently close his/her business shall file a report thereon with the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 23 (Revocation, etc. of Registration of Safety Examination Agents)

(1) In any of the following cases, the Minister of Oceans and Fisheries may revoke the registration of a safety examination agent or may order a safety examination agent to suspend business operation for a specified period not exceeding six months: Provided, That the registration of a safety examination agent must be revoked if the safety examination agent falls under subparagraph 1 through 3, 11, or 12: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12221, Jan. 7, 2014; Act No. 12581, May 14, 2014>

1. If a safety examination agent fails to observe the standards for safety examinations under Article 15 (1) or if a safety examination agent makes a false safety examination report without conducting a marine traffic safety examination;
2. If a safety examination agent has his/her business registered or has the registration of his/her business modified by fraud or by other misconduct;
3. If a safety examination agent ceases to meet the requirements prescribed for qualification by Ordinance of the Ministry of Oceans and Fisheries pursuant to the former part of Article 19 (2);
4. If a safety examination agent fails to file an application for modification to registration pursuant to the latter part of Article 19 (2);
5. If the representative of a corporation falls under any subparagraph of Article 20: Provided, That no registration shall be revoked if the relevant violation is rectified within six months from the date on which the representative of such corporation falls under any subparagraph of Article 20;
6. If a safety examination agent fails to file a report on the succession to rights and obligations in violation of Article 21 (2);
7. If a safety examination agent fails to file a report on temporary or permanent closure of business in violation of Article 22;
8. If a safety examination agent refuses to make an appearance or oral statements pursuant to Article 58 (1) 1 or interferes with or evades such appearance or statements;
9. If a safety examination agent refuses, interferes with, or evades an entry, inspection, verification, investigation, or examination conducted pursuant to Article 58 (1) 2;
10. If a safety examination agent fails to submit a document or a report pursuant to Article 58 (1) 3 or makes a false representation in such document or report;
11. If a safety examination agent continues his/her business as a safety examination agent during the period of suspension in breach of an order issued to suspend business operation;
12. If a safety examination agent hires another safety examination agent for a marine traffic safety examination.

(2) Detailed guidelines and procedures for the dispositions made under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 24 (Continuance of Business as Safety Examination Agents)

- (1) Notwithstanding a disposition made to revoke registration or suspend business operation under Article 23, a safety examination agent may continue marine traffic safety examinations for which a contract has been concluded before the disposition is made: Provided, That the foregoing shall not apply where registration is revoked under Article 23 (1) 1 through 3, 11, or 12. <Amended by Act No. 12221, Jan. 7, 2014>
- (2) A person who continues marine traffic safety examinations pursuant to paragraph (1) shall be deemed a safety examination agent under this Act until he/she completes such examinations.

(3) A safety examination agent who has registration revoked or who is ordered to suspend business operation under Article 23 (1) shall notify persons who requested marine traffic safety examinations of the revocation of registration or of the suspension of business operation within ten days from the date on which registration is revoked or the suspension of business operation is ordered.

(4) A person who requested a marine traffic safety examination may terminate the contract on the marine traffic safety examination only within 30 days from the date on which he/she receives a notice under paragraph (3) from the safety examination agent or he/she becomes aware of the revocation of registration or of the suspension of business operation.

Article 25 (Reporting, etc. of Obstructions to Navigation)

(1) The shipmaster, shipowner, or ship operator of a vessel that has created any of the following obstructions to navigation (hereinafter referred to as "person responsible for the removal of an obstruction to navigation") shall report the location of the obstruction to navigation, the hazards defined in Article 27, etc., without delay, to the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. An obstruction to navigation, which is floating or sunken to impede the safe navigation of other vessels and disturbs the order of marine traffic;

2. An obstruction to navigation, which is likely to contact with facilities and other vessels in the water zone of a port or harbor defined in subparagraph 1 of Article 2 of the Harbor Act, in the waters of a fishery harbor defined in subparagraph 3 of Article 2 of the Fishing Villages and Fishery Harbors Act, or in the waters of a river defined in subparagraph 1 of Article 2 of the River Act (hereinafter referred to as "waters").

(2) If a Korean vessel produces an obstruction to navigation in the exclusive economic zone of a foreign country, the person responsible for the removal of the obstruction to navigation shall report thereon to the government of the foreign country having jurisdiction over the sea area.

(3) Upon receipt of a report under paragraph (1), the Minister of Oceans and Fisheries shall notify vessels navigating the area around the obstruction to navigation and the governments of neighboring countries of the location, substance, etc. of the obstruction to navigation. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 26 (Marking, etc. of Obstructions to Navigation)

(1) If an obstruction to navigation is likely to jeopardize the safety in navigation of other vessels, the person responsible for the removal of the obstruction to navigation shall put a sign indicating the hazard on the obstruction to navigation or take measures for informing other vessels of the obstruction without delay: Provided, That such person shall take measures for a vessel sunken or stranded, among obstructions to navigation, in accordance with Article 8 (1) of the Navigational Aids Act.

(2) If the person responsible for the removal of an obstruction to navigation does not put a sign or does not take any measure pursuant to paragraph (1), the Minister of Oceans and Fisheries may order the person responsible for the removal of the obstruction to navigation to put such sign or take the measure.

<Amended by Act No. 11690, Mar. 23, 2013>

(3) Where the Minister of Oceans and Fisheries finds that an obstruction to navigation is likely to severely jeopardize the safety of vessels if the person responsible for the removal of an obstruction to navigation does not comply with an order issued under paragraph (2) or does not put a sign promptly, he/she may directly put a sign indicating the obstruction to navigation. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 27 (Determination of Hazards of Obstructions to Navigation)

(1) The Minister of Oceans and Fisheries shall take into consideration whether an obstruction to navigation seriously affects the safety in navigation of vessels or the marine environment in determining hazards of the obstruction to navigation. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the determination of hazards of an obstruction to navigation shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 28 (Removal of Obstructions to Navigation)

(1) The person responsible for the removal of an obstruction to navigation shall remove the obstruction to navigation.

(2) If the person responsible for the removal of an obstruction to navigation does not remove the obstruction to navigation pursuant to paragraph (1), the Minister of Oceans and Fisheries may order the person responsible for the removal of the obstruction to navigation to remove the obstruction to navigation. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) If the person responsible for the removal of an obstruction to navigation does not comply with an order issued under paragraph (2) or if such obstruction to navigation is determined as hazardous under Article 27, the Minister of Oceans and Fisheries may directly remove the obstruction to navigation. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Except as otherwise provided for in paragraphs (1) through (3), matters necessary for the removal of an obstruction to navigation shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 29 (Collection of Cost, etc.)

(1) If the Minister of Oceans and Fisheries deems it necessary in preparation for the collection of the cost incurred in putting a sign on an obstruction to navigation and in removing the obstruction to navigation pursuant to Article 26 (3) and 28 (3), he/she may demand the shipowner to submit a document guaranteeing the payment of such cost. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The cost incurred in putting a sign on an obstruction to navigation and in removing the obstruction to navigation pursuant to Article 26 (3) and 28 (3) shall be borne by the person responsible for the removal of the obstruction to navigation, but if it is impossible to identify the person responsible for the removal of the obstruction to navigation, such cost may be covered by disposing of the obstruction to navigation or the vessel that created the obstruction to navigation, as prescribed by Presidential Decree.

Article 30 (Denial of Entry into, or Departure from, Domestic Ports)

The Minister of Oceans and Fisheries may deny the entry or departure of a vessel that does not comply with the demand made pursuant to Article 29 (1) into or from a domestic port or may deny the permission

for the use of a domestic mooring facility. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 31 (Designation, etc. of Sea-Lanes)

(1) If the Minister of Oceans and Fisheries finds that marine accidents are likely to occur due to topography, tidal current or other natural conditions, or the traffic volume of vessels in a water zone through which vessels pass, he/she may publicly notify the bounds of the water zone, sea routes and speed of vessels, and other matters necessary for the safety in navigation of vessels, hearing opinions thereon from the heads of related administrative agencies, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may designate and manage water zones for vessels attempting to take shelter from typhoon or other bad weather condition or vessels not freely maneuverable due to a marine accident or any other cause. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 32 (Passage of Non-Korean Vessels)

(1) No non-Korean vessel shall pass through inland waters of the Republic of Korea without permission therefor from the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Notwithstanding paragraph (1), a vessel may uninterruptedly and quickly pass through a sea area included in inland waters along the straight line defined in Article 2 (2) of the Territorial Sea and Contiguous Zone Act without anchoring, halting, mooring, or loitering; Provided, That the foregoing shall not apply to the following cases: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where it is necessary due to a force majeure event or shipwreck;
2. Where it is necessary to rescue a human life or a vessel or aircraft in peril or in distress;
3. Other cases specified by Ordinance of the Ministry of Oceans and Fisheries, such as entry into a port or harbor of the Republic of Korea.

(3) Matters necessary for the submission of documents necessary for the permission under paragraph (1) and other measures shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 33 (Measures for Safety of Special Vessels)

(1) The following vessels (hereinafter referred to as "special vessels"), among non-Korean vessels passing through the territorial sea or inland waters of the Republic of Korea, shall carry documents specified by the International Convention for the Safety of Life at Sea and other relevant international agreements or shall comply with special preventive measures prescribed by Ordinance of the Ministry of Oceans and Fisheries: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. A nuclear-powered vessel;
2. A vessel carrying a hazardous cargo, such as nuclear substance.

(2) If the Minister of Oceans and Fisheries deems it necessary for the prevention, reduction, or control of marine pollution by a special vessel, he/she may designate a traffic route for such vessel or may take other necessary measures for safety. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 34 (Preservation of Sea Lanes, etc.)

(1) No person shall conduct any of the following activities in a sea lane:

1. Abandoning a vessel;
2. Setting up or dumping a fishing net or fishing gear.

(2) The Chief of a Coast Guard Station may order a person who violates paragraph (1) to move or salvage the abandoned vessel or to remove the fishing net or fishing gear. *<Amended by Act No. 12844, Nov. 19, 2014>*

(3) No person shall conduct any activity specified by Presidential Decree as obstruction to the safety of marine traffic, such as skin diving, scuba diving, or wind surfing, in water zones specified by Presidential Decree, among water zones of ports and harbors defined in subparagraph 1 of Article 2 of the Harbor Act and water zones of fishery harbors defined in subparagraph 3 of Article 2 of the Fishing Villages and Fishery Harbors Act: Provided, That the foregoing shall not apply where a person obtains permission for such activity from the Chief of the relevant Coast Guard Station as it is deemed unlikely to create obstruction to the safety of marine traffic and where a person conducts such activity on the waters in connection with a sports facility business reported pursuant to Article 20 of the Installation and Utilization of Sports Facilities Act. *<Amended by Act No. 12844, Nov. 19, 2014>*

(4) In any of the following cases, the Chief of a Coast Guard Station may revoke permission granted to a person pursuant to paragraph (3) or may order a person, to whom such permission has been granted, not to impede the safety of marine traffic: Provided, That such permission must be revoked in cases falling under subparagraph 3: *<Amended by Act No. 12844, Nov. 19, 2014>*

1. Where any condition of marine traffic, such as sea lanes or anchorages, changes;
2. Where the person breaches a condition attached to permission;
3. Where the person obtains permission fraudulently or deceptively.

(5) Necessary matters concerning permission referred to in paragraph (3) shall be prescribed by Presidential Decree.

Article 35 (Securing of Safety in Water Zones, Sea Lanes, etc.)

(1) No person shall interrupt the passage of vessels by occupying or blocking a water zone or sea route by using a vessel or other means in a water zone or in an area not exceeding ten kilo meters far from a water zone.

(2) The Chief of a Coast Guard Station may request persons who interrupt or are anticipated to interrupt the passage of vessels in violation of paragraph (1) to voluntarily disperse within a given time, but may order such persons to disperse where they do not comply with such request. *<Amended by Act No. 12844, Nov. 19, 2014>*

(3) Persons ordered to disperse under paragraph (2) shall withdraw without delay.

Article 36 (Implementation, etc. of Vessel Traffic Control System)

(1) The Minister of Public Safety and Security shall implement a system for controlling the traffic of vessels in zones specified by Ordinance of the Prime Minister in order to promote safety in the traffic of

vessels, after gathering consensus from the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 13386, Jun. 22, 2015>*

(2) Where the shipmaster of a vessel operates the vessel to enter, depart from, or pass through a zone in which a vessel traffic control system is implemented (hereinafter referred to as "control zone") pursuant to paragraph (1), he/she shall follow instructions from the vessel traffic control system: Provided, That a shipmaster need not follow instructions of the vessel traffic control system, if there is an obvious ground to believe that he/she cannot operate the vessel safely otherwise. *<Amended by Act No. 13386, Jun. 22, 2015>*

(3) No shipmaster shall be exempted from his/her responsibility for safe navigation of his/her ship, irrespective of the vessel traffic control system. *<Amended by Act No. 13386, Jun. 22, 2015>*

(4) Where the shipmaster of any of the vessels specified by Ordinance of the Prime Minister intends to enter or depart from a control zone, he/she shall report thereon to the vessel traffic control authority having jurisdiction over the control zone. *<Newly Inserted by Act No. 13386, Jun. 22, 2015>*

(5) Where a ship enters, departs from, or passes through a control zone, it shall constantly listen and respond to the telecommunications system for traffic control, with the radio system specified by Ordinance of the Prime Minister, for interactive calls and responses with a vessel traffic controller defined in Article 36-2 (1). *<Newly Inserted by Act No. 13386, Jun. 22, 2015>*

(6) The authorities that implement the vessel traffic control system and the vessels specified by Ordinance of the Prime Minister shall record and preserve conversations through the telecommunications system for traffic control under paragraph (5) by an audio recording system. *<Newly Inserted by Act No. 13386, Jun. 22, 2015>*

(7) Except as otherwise provided for in paragraphs (1) through (6), necessary matters concerning the procedures for implementing the vessel traffic control system, the procedures for the management and reporting of the ships and facilities subject to the vessel traffic control system, specifications of the telecommunications system for traffic control in each control zone, the method of recording conversations through the telecommunications system for traffic control, the period of preservation of such recorded conversations, etc. shall be prescribed by Ordinance of the Prime Minister. *<Newly Inserted by Act No. 13386, Jun. 22, 2015>*

Article 36-2 (Vessel Traffic Controllers)

(1) In order to be qualified for a person in charge of vessel traffic control under Article 36 (1) (hereinafter referred to as "vessel traffic controller" in this Article), a person shall be one of public officials specified by Ordinance of the Prime Minister and shall complete training courses for vessel traffic controllers and successfully pass evaluations.

(2) A vessel traffic controller shall perform the following services:

1. Observing and monitoring vessels that navigate in the relevant control zone, providing such vessels with information for safety, and giving advice and instructions to the vessels;
2. Issuing special weather reports or providing information for preventing traffic congestion;

3. Other services specified by Ordinance of the Prime Minister for the improvement of safety and efficiency in the traffic of vessels.

(3) Every vessel traffic controller shall complete training courses necessary for performing duties and shall undergo evaluations, on a regular basis.

(4) Necessary matters concerning the training, evaluation, etc. of vessel traffic controllers referred to in paragraphs (1) and (3) shall be prescribed by Ordinance of the Prime Minister.

Article 37 (Restriction, etc. on Disclosure of Location Information of Vessels)

(1) A person who possesses information of the track of each vessel, etc., recorded by an electronic means specified by Ordinance of the Ministry of Oceans and Fisheries, (hereinafter referred to as "vessel location information") shall not disclose such vessel location information, except for the following cases: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where a person who has a right to possess vessel location information intends to use the information for the purpose of possession;

2. Where an investigator or other authority specified in Article 16 of the Act on the Investigation of and Inquiry into Marine Accidents requests such information in order to investigate into the cause of a marine accident;

3. Where an emergency rescue agency specified in subparagraph 7 of Article 3 of the Framework Act on the Management of Disasters and Safety requests such information in order to rescue a vessel or passengers in imminent peril;

4. The vessel location information specified by Ordinance of the Ministry of Oceans and Fisheries, among vessel location information recorded at least six months ago.

(2) A ship owner, shipmaster, or seafarer who acquires vessel location information in the scope of his/her duty shall not divulge, alter, or destroy such information.

Article 38 (Control of Entry and Departure of Vessels)

(1) If the Minister of Oceans and Fisheries anticipates that the safe navigation of vessels is likely to be hindered by weather conditions on the seas, regarding which a special weather statement has been announced, restricted visibility, or other circumstances, he/she may issue an order to shipowners or shipmasters for the control of entry and departure of vessels. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the guidelines, methods, procedure, etc. for the control of entry and departure under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 39 (Patrol)

The Chief of a Coast Guard Station shall assign his/her subordinate police officers to patrol water zones, sea lanes, protection zones, etc., so as to maintain the safety and public order in navigation of vessels.

<Amended by Act No. 12844, Nov. 19, 2014>

Article 40 (Halt of Vessels, etc.)

(1) The Chief of a Coast Guard Station may order a vessel that a person who violated or is suspected to have violated this Act or an order issued under this Act is on board, to halt or sail back. <Amended by Act No. 12844, Nov. 19, 2014>

(2) An order issued under paragraph (1) to halt or sail back a vessel shall be communicated to a person who is on duty of navigation of the vessel, by a method prescribed by Presidential Decree.

Article 41 (Prohibition against Operation of Steering Gear, etc. while under Influence of Alcohol)

(1) No person, while under the influence of alcohol, shall operate, or instruct the operation of, the steering gear of a vessel defined in subparagraph 1 (including vessels of less than five gross tons and non-Korean vessels falling under item (b) or (c) of the same subparagraph, but excluding vessels on trial voyages (referring to vessels for which trial voyages are conducted from launch to delivery, after being built or renovated at a shipbuilding yard in the Republic of Korea) and floating maritime structures prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as movable oil prospecting ships and floatels, defined in subparagraph 1 of Article 2 of the Ship Safety Act; hereinafter the same shall apply in this Article and Article 41-2) of Article 2 of the Ship Personnel Act or conduct pilotage defined in subparagraph 1 of Article 2 of the Pilotage Act (hereinafter referred to as "pilotage"). <Amended by Act No. 11197, Jan. 17, 2012; Act No. 12538, Mar. 24, 2014>

(2) In any of the following cases, a police officer of the Ministry of Public Safety and Security may examine whether a person who operates, or instructs the operation of, the steering gear of a vessel for navigation (hereinafter referred to as "operator") or a person who conducts pilotage referred to in paragraph (1) (hereinafter referred to as "pilot") is under the influence of alcohol, and the relevant operator or pilot shall comply with the examination conducted by the police officer of the Ministry of Public Safety and Security: Provided, That the police officer shall examine whether a person is under the influence of alcohol, without any exception, in cases falling under subparagraph 3: <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13386, Jun. 22, 2015>

1. Where deemed necessary for the safety of marine traffic and the prevention of dangers because safety navigation of other vessels is jeopardized or is likely to be jeopardized;
2. Where a well-founded reason exists to believe that a person, while under the influence of alcohol, operated, or instructed the operation of, the steering gear or conducted pilotage in violation of paragraph (1);
3. Where a marine accident has occurred.

(3) Where a person denies the results of an examination conducted pursuant to paragraph (2) to determine whether the person is under the influence of alcohol, the relevant operator or pilot may be re-examined by collecting a sample of his/her blood or by other means, subject to his/her consent thereto.

(4) Where the Chief of a Coast Guard Station finds that an operator or pilot violated paragraph (1), he/she may order the operator or pilot to stop the operation, or the instruction of operation, of the steering gear or to stop pilotage until the operator or pilot becomes capable of operating, or instructing the operation, of the steering gear or of conducting pilotage in a normal condition or may take other necessary measures.

<Amended by Act No. 12844, Nov. 19, 2014>

(5) The criterion for determining the state of being under the influence of alcohol referred to in paragraph (1) shall be the Blood Alcohol Content of at least 0.03 percent. *<Amended by Act No. 13386, Jun. 22, 2015>*

(6) Detailed procedures necessary for the examination referred to in paragraphs (1) through (5) and necessary matters concerning the management, etc. of the records of examinations shall be prescribed by Ordinance of the Prime Minister. *<Newly Inserted by Act No. 13386, Jun. 22, 2015>*

Article 41-2 (Prohibition against Operation of Steering Gear, etc. while under Influence of Drug)

No person shall conduct either of the following acts while in a state where he/she is unlikely to conduct such act in a normal condition due to influence of a drug (referring to a narcotic defined in subparagraph 1 of Article 2 of the Act on the Control of Narcotics, etc.; the same apply hereinafter) or a hallucinant (referring to a hallucinant defined in Article 43 (1) of the Toxic Chemicals Control Act; the same shall apply hereinafter):

1. Operating, or instructing the operation of, the steering gear of a vessel defined in subparagraph 1 of Article 2 of the Ship Personnel Act (including vessels of less than five gross tons) or of a non-Korean vessel defined in subparagraph 2 of Article 2 of the aforesaid Act;
2. Piloting a vessel defined in subparagraph 1 of Article 2 of the Ship Personnel Act (including vessels of less than five gross tons) or a non-Korean vessel defined in subparagraph 2 of Article 2 of the aforesaid Act.

Article 42 (Request for Revocation or Suspension of License of Marine Officer)

Where a person who holds a license granted pursuant to Article 4 of the Ship Personal Act for qualifying as a marine officer commits any of the following acts, the Minister of Public Safety and Security may request the Minister of Oceans and Fisheries to revoke the license of the marine officer or to suspend the validity of the license of the marine office by up to one year: *<Amended by Act No. 11197, Jan. 17, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. Where a marine officer operates, or instructs the operation of, the steering gear for navigation while under the influence of alcohol, in violation of Article 41 (1);
2. Where a marine officer fails to comply with a request by a police officer of the Ministry of Public Safety and Security to cooperate with the police officer in examining the marine officer's physical state, although a reasonable ground exists to believe that the marine officer operates, or instructs the operation of, the steering gear while under the influence of alcohol, in violation of Article 41 (2) 2;
3. Where a marine officer operates, or instructs the operation of, the steering gear in a state where the marine officer is unlikely to conduct such act in a normal condition due to influence of a drug or hallucinant, in violation of Article 41-2.

Article 43 (Measures to be Taken for Marine Accidents)

(1) Where a marine accident is likely to put a vessel into a danger or to jeopardize safety in the navigation of other vessels, the shipmaster or shipowner involved shall promptly take measures necessary for preventing dangers and shall report the occurrence of the marine accident and measures taken by him/her

to the Chief of the relevant Coast Guard Station or the Head of the relevant Regional Office of Oceans and Fisheries, without delay. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13386, Jun. 22, 2015>

(2) Upon receipt of a report under paragraph (1), the Head of a Regional Office of Oceans and Fisheries shall notify the Chief of the relevant Coast Guard Station thereof without delay. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13386, Jun. 22, 2015>

(3) The Chief of a Coast Guard Station shall review a report made by a shipmaster or a shipowner on measures taken under paragraph (1) by applying appropriate means and shall order the shipmaster or shipowner to take measures necessary for quickly bringing the marine accident under control and for securing the safety of marine traffic, where the Chief of the Coast Guard Station deems that the shipmaster or shipowner has not taken any measure in accordance with paragraph (1) or a measure taken by the shipmaster or shipowner is inappropriate. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13386, Jun. 22, 2015>

(4) Where a marine accident is likely to put a vessel into a danger or to jeopardize safety in navigation of other vessels, the Chief of the relevant Coast Guard Station may order other vessels to move to other area from the area designated by him/her, refrain from passing through such area, or stop operations in such area, if necessary. <Amended by Act No. 12844, Nov. 19, 2014>

Article 44 (Installation and Management of Navigational Aids and Facilities)

(1) The Minister of Oceans and Fisheries shall install, manage, and operate navigational aids and facilities, such as navigational aids and facilities related to signalling, lighting, etc., necessary for safety in the navigation of vessels. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(2) The Minister of Public Safety and Security shall install, manage, and operate navigational aids and facilities related to vessel control for safety in navigating vessels. <Newly Inserted by Act No. 12844, Nov. 19, 2014>

(3) Where the Minister of Public Safety and Security, the head of a local government, or an operator deems it necessary to install a navigational aid defined in Article 2 (1) 1 of the Navigational Aids Act in any of the following water zones, he/she may request the Minister of Oceans and Fisheries to install such navigational aid: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

1. A water zone with heavy traffic of vessels;

2. A water zone dangerous for navigation.

Article 45 (Shipmaster's Authority)

No person shall interfere with or intervene in a shipmaster's expert judgment for the safety of the vessel.

Article 46 (Establishment, etc. of Safety Control System for Vessels)

(1) The Minister of Oceans and Fisheries shall formulate policies necessary for a shipowner operating a vessel specified in paragraph (2) to establish and implement a system for the management of the vessel and his/her place of business for safe operation of the vessel (hereinafter referred to as "safety control system"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Each shipowner who operates any of the following vessels (including movable floating structures engaged in gathering, exploring, or excavating submarine resources; hereinafter the same shall apply in this Article and Articles 47 through 54) shall establish and implement a safety control system: Provided, That a shipowner who has formulated and implements the operation management rules under Article 21 of the Maritime Transportation Act after undergoing an examination by the Minister of Oceans and Fisheries shall be deemed to have established and implement a safety control system: <Amended by Act No. 13386, Jun. 22, 2015>

1. A vessel that engages in marine passenger transportation services defined in Article 3 of the Marine Transportation Act;
2. A vessel specified by Presidential Decree, from among vessels of at least 500 gross tons, which engages in marine cargo transportation services defined in Article 23 of the Marine Transportation Act (including a barge tightly joined with a motorboat), and other vessels;
3. A vessel of at least 500 gross tons, engaged in international navigation for transporting catches of fish or a movable floating structure for such purpose;
4. A WIG craft.

(3) A shipowner who shall establish and implement a safety control system pursuant to paragraph (2) may entrust it to a safety control agency defined in Article 51. In such cases, the shipowner shall notify the Minister of Oceans and Fisheries of the entrustment within ten days. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Each safety control system shall include the following matters: Provided, That some of the following matters may be omitted in the safety control system for a vessel specified in Presidential Decree, among the vessels specified in paragraph (2) 2, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: <Amended by Act No. 12221, Jan. 7, 2014>

1. The basic policy on safety at sea and the protection of environment;
2. Responsibilities and authority of the shipowner;
3. Duties of safety control managers and safety controllers under paragraph (5);
4. Responsibilities and authority of the shipmaster;
5. Matters regarding the placement and management of human resources;
6. Matters regarding the establishment of a safety control system for vessels;
7. Matters regarding the formulation of emergency countermeasures in preparation against a collision of vessels;
8. Matters regarding reporting and analysis of accidents, dangerous situations, and defects in the safety control system;
9. Matters regarding the maintenance of vessels;
10. Matters regarding the management of documents and data, including manuals concerning the safety control system;

11. Matters regarding the examination, review, and evaluation by the shipowner of the safety control system.
- (5) Each shipowner who shall establish and implement a safety control system pursuant to paragraph (2) shall employ safety control managers and safety controllers for the implementation of the safety control system.
- (6) Necessary matters concerning the standards for the qualification of safety control managers and safety controllers under paragraph (5) and the prescribed number of such safety control managers and safety controllers shall be prescribed by Presidential Decree.

Article 47 (Examination for Certification)

(1) A shipowner shall successfully pass an examination conducted by the Minister of Oceans and Fisheries for the certification of a safety control system of a vessel or place of business, for which the shipowner shall establish and implement a safety control system pursuant to Article 46 (2), (hereinafter referred to as "examination for certification") in accordance with any of the following subparagraphs, whichever is relevant: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Examination for initial certification: An examination initially conducted to examine matters regarding the establishment and implementation of a safety control system;
 2. Examination for renewal of certification: An examination conducted at the end of the period of validity of a vessel safety control certificate or a safety control compliance certificate;
 3. Examination for interim certification: An examination conducted at the time specified by Ordinance of the Ministry of Oceans and Fisheries between examinations for initial certification and for renewal of certification or examinations for renewal of certification;
 4. Examination for temporary certification: An examination under either of the following subparagraphs for operating a vessel temporarily before passing through the examination for initial certification:
 - (a) An examination of the place of business to which a new type of vessel is added or newly placed;
 - (b) An examination of a vessel the type of which has been changed as a result of remodelling or a vessel newly introduced;
 5. Occasional examination for certification: An examination conducted for a place of business or a vessel in addition to the examinations for certification under subparagraphs 1 through 4 in cases specified by Ordinance of the Ministry of Oceans and Fisheries for marine accidents of vessels and the prevention of suspension of navigation in foreign ports.
- (2) No shipowner shall use a vessel that fails an examination for certification for navigation: Provided, That the foregoing shall not apply to cases specified by Ordinance of the Ministry of Oceans and Fisheries, such as where it is found that a shipowner is unable to undergo an examination for certification due to a natural disaster or other cause. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) A person who intends to undergo an examination for certification shall pay fees, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Matters necessary for the procedure and methods for the examinations for certification shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 48 (Agency, etc. for Examination for Certification)

(1) The Minister of Oceans and Fisheries may authorize an agency designated by the Minister of Oceans and Fisheries for the examination for certification (hereinafter referred to as "examination agency") to perform the following services on behalf of the Government. In such cases, the Minister of Oceans and Fisheries shall execute an agreement with the examination agency, as prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013>

1. Examinations for certification;

2. Issuance of vessel safety control certificates, etc. defined in Article 49 (1) and (2).

(2) Matters necessary for the standards for the designation of an examination agency, such as organization, personnel, and places of business, and the qualification of persons engaged in examinations shall be prescribed by Presidential Decree.

(3) When an examination agency conducts an examination for certification on behalf of the Government, a person who intends to undergo the examination for certification shall pay fees prescribed by the examination agency to the examination agency.

(4) An examination agency shall establish guidelines for the fees referred to in paragraph (3) and shall obtain approval thereof from the Minister of Oceans and Fisheries. The same procedure shall also apply where an examination agency intends to revise the guidelines so approved. <Amended by Act No. 11690, Mar. 23, 2013>

(5) In any of the following cases, the Minister of Oceans and Fisheries may revoke the designation of the examination agency involved or order the examination agency involved to completely or partially suspend its business operation for a period not exceeding six months: Provided, That if the examination agency involved falls under subparagraph 1 or 6, its designation shall be revoked: <Amended by Act No. 11690, Mar. 23, 2013>

1. If the examination agency obtained the designation by fraud or other misconduct;

2. If the examination agency ceases to meet the standards for the designation of an examination agency;

3. If the examination agency is found incapable of performing services related to examinations for certification;

4. If the examination agency collects fees without approval or revised approval for fees, in violation of paragraph (4);

5. If the examination agency does not report on its agency services, in violation of paragraph (6);

6. If the examination agency continues agency services during a period of suspension of business operation, in violation of an order issued to suspend business operation.

(6) An examination agency shall report to the Minister of Oceans and Fisheries on its agency services, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23,

2013>

(7) The Minister of Oceans and Fisheries shall review the performance of agency services reported by an examination agency pursuant to paragraph (6), and shall revoke the designation of an examination agency or take other necessary measures, if he/she discovers a violation of any subparagraph of paragraph (5).

<Amended by Act No. 11690, Mar. 23, 2013>

(8) Detailed guidelines and procedure for the administrative disposition prescribed in paragraph (5) and other necessary measures shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

<Amended by Act No. 11690, Mar. 23, 2013>

Article 49 (Issuance, etc. of Vessel Safety Control Certificates, etc.)

(1) If a vessel successfully passes the examination for initial certification or the examination for the renewal of certification, the Minister of Oceans and Fisheries shall issue a vessel safety control certificate and shall issue a safety control compliance certificate for the related place of business. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) If a vessel successfully passes the examination for temporary certification, the Minister of Oceans and Fisheries shall issue a temporary vessel safety control certificate and shall issue a temporary safety control compliance certificate for the related place of business. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The shipowner of a vessel shall keep the original of the relevant vessel safety control certificate or the relevant temporary vessel safety control certificate and a copy of the relevant safety control compliance certificate or the relevant temporary safety control compliance certificate in the vessel and shall keep the original of the vessel safety control certificate or the temporary safety control compliance certificate in the related place of business.

(4) The period of validity of a vessel safety control certificate and a safety control compliance certificate issued under paragraph (1) shall be five years respectively, while the period of validity of a temporary safety control compliance certificate issued under paragraph (2) shall be one year, and the period of validity of a temporary vessel safety control certificate shall be six months.

(5) The period of validity of a vessel safety control certificate issued under paragraph (1) may be extended only once by not more than five months, while a temporary vessel safety control certificate issued under paragraph (2) may be extended only once by not more than six months, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(6) If a shipowner fails an examination for interim certification prescribed in Article 47 (1) 3 or an occasional examination for certification under Article 47 (1) 5, the Minister of Oceans and Fisheries shall suspend the validity of the relevant safety control compliance certificate or vessel safety control certificate issued under paragraph (1) until the shipowner successfully passes the relevant examination for certification. *<Amended by Act No. 11690, Mar. 23, 2013>*

(7) When the validity of a safety control compliance certificate is suspended under paragraph (6), the validity of the vessel safety control certificates of all vessels in the related place of business shall be also suspended.

(8) Matters necessary for the method of counting the period of validity under paragraph (4) or (5) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 50 (Objection to Examination for Certification)

(1) A person who objects to the results of an examination for certification may file a petition of objection within 30 days from the date on which he/she is notified of the results, stating the reasons therefor, as determined by the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(2) A person who objects to the results of an examination for certification may file an administrative appeal under the Administrative Appeals Act or an administrative lawsuit under the Administrative Litigation Act, irrespective of whether he/she files a petition for objection pursuant to paragraph (1).

Article 51 (Registration of Safety Control Agency)

(1) A person who intends to operate an agency for services entrusted by shipowners for the establishment and implementation of a safety control system (hereinafter referred to as "safety control agency") shall register its business with the Minister of Oceans and Fisheries. The foregoing shall also apply where a person intends to modify a description specified by Ordinance of the Ministry of Oceans and Fisheries among registered descriptions. <Amended by Act No. 11690, Mar. 23, 2013>

(2) A person who intends to register itself as a safety control agency shall be a corporation and shall have a safety control system established for its place of business pursuant to Article 46 (2).

(3) Matters necessary for the procedure for the registration of a safety control agency shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 52 (Grounds for Disqualification of Safety Control Agency)

(1) If the representative of a corporation falls under subparagraph 1, 2, or 3 of Article 20, such corporation shall not be qualified for registration as a safety control agency.

(2) A corporation shall not be qualified for registration as a safety control agency, unless two years lapse from the date when its registration is revoked under Article 54.

Article 53 (Succession to Rights and Obligations, etc.)

(1) Article 21 (1) and (2) shall apply mutatis mutandis to the succession to rights and obligations of a person registered as a safety control agency, and Article 52 shall apply mutatis mutandis to a person who succeeds to a safety control agency.

(2) Article 22 shall apply mutatis mutandis to temporary or permanent closure of a safety control agency.

Article 54 (Revocation, etc. of Registration of Safety Control Agency)

(1) In any of the following cases, the Minister of Oceans and Fisheries may revoke the registration of a person registered as a safety control agency or may order such person to completely or partially suspend business operation for a specified period not exceeding six months: Provided, That the registration of such person must be revoked in cases specified in subparagraph 1, 4, or 12: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12581, May 14, 2014>

1. If the person has itself registered by fraud or by other misconduct;
2. If the person fails to make a revised registration, in violation of the latter part of Article 51 (1);
3. If the person ceases to have a safety control system for its place of business pursuant to Article 51 (2);
4. If the representative of a corporation is disqualified on a ground specified in Article 52 (1): Provided, That no registration of a corporation shall be revoked if the representative of the corporation rectifies the relevant violation within six months from the date on which he/she is disqualified under Article 52 (1);
5. If the person makes a false document without performing services for the establishment and implementation of a safety control system;
6. If the person fails to file a report on the succession to rights and obligations, in violation of Article 53 (1);
7. If the person fails to file a report on temporary or permanent closure of business, in violation of Article 53 (2);
8. If the person refuses to make, interferes with, or evades an appearance or oral statement required under Article 58 (1) 1;
9. If the person refuses, interferes with, or evades the entry, inspection, verification, investigation, or examination conducted under Article 58 (1) 2;
10. If the person fails to submit a document or report required under Article 58 (1) 3 or makes a false representation in such document or report;
11. If the person fails to comply with an order issued for improvement under Article 59;
12. If the person continues its business as a safety control agency during a period of suspension of business operation in breach of an order issued to suspend business operation.

(2) Detailed guidelines and procedure for the disposition made under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 55 (Control of Non-Korean Vessels)

- (1) The Minister of Oceans and Fisheries may examine a vessel that has entered, or is scheduled to enter, a port or harbor of the Republic of Korea, among non-Korean vessels in the territorial sea of the Republic of Korea, to make sure whether the safety control system, structure, and facilities of the vessel, seafarers's knowledge about navigation of vessels, etc. meet the standards of international agreements for maritime safety specified by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) If the Minister of Oceans and Fisheries finds, as a result of the examination conducted pursuant to paragraph (1), that the safety control system, structure, and facilities of the vessel, seafarers's knowledge about navigation of vessels, etc. fail to meet the standards of international agreements and that continuing navigation is likely to cause hazards to a human life or property or is likely to cause harms to the conservation of marine environment in the light of the size, type, state, or period of navigation of the

vessel, he/she may order the vessel to suspend navigation and may take other necessary measures. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) If the Minister of Oceans and Fisheries recognizes that the hazards and harms referred to in paragraph (2) are eliminated, he/she shall cancel the measures taken against the relevant vessel without delay. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Matters necessary for the examination under paragraph (1) and the measures to be taken under paragraph (2) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 56 (Inspection, etc. of Vessels)

(1) If the navigation of a Korean vessel is suspended as a result of a foreign government's control of vessels, the Minister of Oceans and Fisheries may inspect the place of business for the vessel to make sure whether its safety control system is appropriate or inspect the safety control system, structure, and facilities of the vessel, seafarers's knowledge about navigation of vessels, etc., as prescribed by Ordinance of the Ministry of Oceans and Fisheries, when the vessel enters a Korean port: Provided, That such inspection may be conducted in a foreign country upon the request of a foreign government or if necessary. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) If the Minister of Oceans and Fisheries deems it necessary to take measures for preventing suspension of navigation as a result of a foreign government's control of vessels, he/she may conduct an inspection of the vessel concerned pursuant to paragraph (1) (hereinafter referred to as "special inspection"), as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) If the Minister of Oceans and Fisheries finds, as a result of a special inspection, that it is necessary for securing the safety of a vessel, he/she may order the owner of the vessel or the relevant place of business to take measures for rectification and supplementation or to suspend the navigation of the vessel, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 57 (Publication of Information on Safety of Vessels)

(1) In order to promote people's safety in their use of vessels, the Minister of Oceans and Fisheries may publish the number of marine accidents in which the following vessels have been involved, whether the following vessels comply with standards prescribed by relevant statutes or international agreements for the safety of vessels, and information about owners, operators, safety control agencies, etc. of such vessels: Provided, That the Minister of Oceans and Fisheries shall publish information specified by Ordinance of the Ministry of Oceans and Fisheries, including the summary of accidents, the list of ships involved, and owners with respect to vessels involved in any of the serious marine accidents specified by Presidential Decree: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 13386, Jun. 22, 2015>*

1. Vessels specified by Ordinance of the Ministry of Oceans and Fisheries, among vessels that engage in marine passenger transportation services defined in Article 3 of the Marine Transportation Act;

2. Vessels specified by Ordinance of the Ministry of Oceans and Fisheries, among vessels engaged in marine cargo transportation services defined in Article 23 of the Marine Transportation Act;
3. Vessels specified by Ordinance of the Ministry of Oceans and Fisheries, among non-Korean vessels anchored in a port or harbor of the Republic of Korea;
4. Other vessels of which the Minister of Oceans and Fisheries deems it necessary to provide information on safety, upon request, etc. by maritime safety-related international organizations, including the International Maritime Organization.

(2) Necessary matters concerning the procedure, method, etc. for publication referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 57-2 (Designation, etc. of Exemplary Business Operators in Maritime Safety)

(1) Where any of the following persons has contributed to the improvement of the level of maritime safety and the reduction of maritime accidents and meets the standards prescribed by Ordinance of the Ministry of Oceans and Fisheries, the Minister of Oceans and Fisheries may designate the person as an exemplary business operator in maritime safety: <Amended by Act No. 13002, Jan. 6, 2015>

1. A person who holds a license for marine passenger transportation services under Article 4 (1) of the Marine Transportation Act;
 2. A person who has his/her coastal cargo transportation services registered under Article 24 (1) of the Marine Transportation Act;
 3. A person who has his/her overseas cargo transportation services registered under Article 24 (2) of the Marine Transportation Act;
 4. A person who engages in any other business specified and publicly announced by the Minister of Oceans and Fisheries as business related to maritime safety control or marine transportation services.
- (2) If the Minister of Oceans and Fisheries deems necessary for designating exemplary business operators in maritime safety, he/she may request a person who intends to obtain the designation, the heads of related administrative agencies, the heads of public institutions designated under Article 4 of the Act on the Management of Public Institutions, or other maritime safety-related institutions, organizations, or interested parties, to submit necessary data.
- (3) The Minister of Oceans and Fisheries may provide persons designated as exemplary business operators in maritime safety with marks indicating that they are designated as exemplary business operators and assistance prescribed by Ordinance of the Ministry of Oceans and Fisheries.

(4) Where a person designated as an exemplary business operator in maritime safety falls under any of the following cases, the Minister of Oceans and Fisheries may revoke the designation or may suspend the validity of the designation during a specified period not exceeding three months: Provided, That where such person falls under subparagraph 1, the Minister of Oceans and Fisheries must revoke the designation:

1. Where a person has obtained the designation of an exemplary business operator in maritime safety fraudulently or deceptively;

2. Where a person ceases to meet the standards prescribed for the designation of exemplary business operators in maritime safety by Ordinance of the Ministry of Oceans and Fisheries under paragraph (1);
3. Where an exemplary business operator in maritime safety commits any of the following violations:
 - (a) Where an exemplary business operator in maritime safety uses a vessel, which has failed to pass an examination for certification, for navigation in violation of the main sentence of Article 47 (2) (including where the validity of a vessel safety control certificate or a safety control compliance certificate is suspended under Article 49 (6) or (7));
 - (b) Where an exemplary business operator in maritime safety refuses, interferes with, or evades guidance or supervision under Article 58;
 - (c) Where an exemplary business operator in maritime safety fails to comply with an order for improvement under Article 59.
- (5) Except as otherwise provided for in paragraphs (1) through (4), necessary matters concerning the standards, procedures, etc. for the designation of exemplary business operators in maritime safety, the revocation of such designation, and the suspension of the validity of such designation shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries.

Article 58 (Guidance and Supervision)

(1) In cases where a maritime accident is likely to occur or it is necessary to ascertain whether maritime safety control has been properly performed or in cases specified by Ordinance of the Ministry of Oceans and Fisheries, the Minister of Oceans and Fisheries may instruct a maritime safety supervisor under paragraph (2) to take the following measures periodically or occasionally: Provided, That the foregoing shall not apply to the leisure watercraft, wharves, and other water leisure facilities under the Water-Related Leisure Activities Safety Act and the excursion ships, ferries, and stations of excursion ships and ferries under the Excursion Ship and Ferry Business Act: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12581, May 14, 2014>*

1. Summoning a shipmaster, shipowner, safety examination agent, safety control agency, or any other interested party to make an appearance or oral statements;
 2. Entering a ship or a place of business to inspect relevant documents or inspect, investigate, or examine the conditions of maritime safety control in a ship or a place of business;
 3. Requiring a shipmaster, shipowner, safety examination agent, safety control agency, or any other interested party to submit relevant documents, or requiring any of such persons to report on business activities for maritime safety control.
- (2) The Ministry of Oceans and Fisheries shall employ maritime safety supervisors who shall perform guidance and supervision under paragraph (1): Provided, That if the Minister of Oceans and Fisheries partially delegates his/her authority for guidance and supervision to the head of an agency pursuant to Article 99 (1), the agency, the head of which has the authority delegated, shall employ maritime safety supervisors. *<Newly Inserted by Act No. 12581, May 14, 2014>*

(3) A maritime safety supervisor who intends to take measures under paragraph (1) 1 or 2 (hereinafter referred to as "measures for guidance or supervision") shall notify the person subject to the measures for guidance or supervision of the purposes, details, date, and timing for the measures for guidance or supervision, in writing, by no later than seven days before the date scheduled for the measures for guidance or supervision: Provided, That such notice may be omitted in an emergency case or if it is anticipated impossible to achieve the purpose of measures for guidance or supervision because of the destruction of evidence, etc., if prior notice is given. *<Amended by Act No. 12581, May 14, 2014>*

(4) A maritime safety supervisor who takes measures for guidance or supervision under paragraph (1) shall carry a certificate indicating his/her authority therefor and shall produce it to people involved. *<Amended by Act No. 12581, May 14, 2014>*

(5) A maritime safety supervisor who takes measures for guidance or supervision under paragraph (1) shall notify a person subject to the measures for guidance or supervision of the results thereof in writing. *<Amended by Act No. 12581, May 14, 2014>*

(6) Matters necessary for the qualification for maritime safety supervisors under paragraph (2), the appointment or dismissal of maritime safety supervisors, and the scope of their duties shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 12581, May 14, 2014>*

(7) Except as otherwise provided for in paragraphs (1) through (5), matters necessary for guidance and supervision shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Newly Inserted by Act No. 12581, May 14, 2014>*

Article 59 (Order for Improvement)

(1) If the Minister of Oceans and Fisheries finds it necessary as a result of measures taken for guidance or supervision or deems it necessary in the light of the frequency and seriousness of marine accidents, he/she may order the shipmaster, shipowner, safety control agency, and other interested parties of the relevant vessel to take the following measures: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12581, May 14, 2014>*

1. Supplementation or replacement of facilities of the vessel;
2. Improvement of work hours and working conditions of employees;
3. Conduct of educational and training programs for executives and employees;
4. Improvements in other affairs relating to maritime safety control.

(2) When the Minister of Oceans and Fisheries issues an order to take measures specified in paragraph (1) 1, he/she may concurrently issue an order to suspend the navigation of the relevant vessel until the supplementation or replacement of facilities of the vessel is completed. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 60 (Objection)

(1) A shipowner who objects to an order issued under Article 55 (2) to suspend navigation or an order issued under Article 56 (3) to take measures for rectification or supplementation or to suspend navigation may file a petition for objection with the Minister of Oceans and Fisheries, stating the reasons for the

objection therein, within 90 days from the date on which he/she receives such order. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Upon receipt of a petition for objection under paragraph (1), the Minister of Oceans and Fisheries shall notify the petitioner of the results of his/her examination of the petition within 60 days: Provided, That the deadline for notification may be extended by not more than 30 days in an exceptional situation. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Matters necessary for the petition of objection, the examination of such petition, and the notification of the results thereof under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

(4) A person who objects to an order issued under Article 55 (2) to suspend navigation or an order issued under Article 56 (3) to take measures for rectification or supplementation or to suspend navigation may file an administrative appeal under the Administrative Appeals Act or an administrative lawsuit under the Administrative Litigation Act, irrespective of whether he/she files a petition for objection pursuant to paragraph (1).

Article 61 (Fees for Control of Non-Korean Vessels, Inspection of Vessels, etc.)

(1) If the Minister of Oceans and Fisheries discovers a defect from a vessel as a result of an examination conducted pursuant to Article 55 (1) or a special inspection conducted pursuant to Article 56 (1) or (2) and issues an order under Article 55 (2) to suspend navigation or an order under Article 56 (3) to take measures for rectification or supplementation or to suspend navigation, he/she may collect fees required for the confirmation on whether such defect is cured from the vessel so ordered, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) When a special inspection is conducted in a foreign country pursuant to the proviso to Article 56 (1), the Minister of Oceans and Fisheries may collect fees for airfare and other actual expenses as necessary. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 62 (Application)

This Section shall apply to any condition of visibility.

Article 63 (Lookout)

Every vessel shall keep at all times an appropriate lookout by all available means, such as sight, hearing and all other means suitable for the prevailing circumstances and conditions, in order to fully grasp the surrounding conditions and the risk of a collision with other vessels.

Article 64 (Safe Speed)

(1) Every vessel shall make appropriate and effective action to avoid a collision with other vessels or navigate at all times at a safe speed so that she can stop within a distance suitable for the prevailing circumstances and conditions.

(2) The following matters (matters specified in subparagraphs 1 through 6 in cases of a vessel with no radar) shall be taken into consideration in determining a safe speed pursuant to paragraph (1):

1. The condition of visibility;

2. The density of marine traffic volume;
3. Distance required for stopping the vessel, her performance of rotation, and her performance of other maneuvering functions;
4. Whether any light obstructs navigation by night;
5. The condition of wind, sea, current and the proximity of obstructions to navigation;
6. The correlation between the draft of the vessel and the depth of water;
7. Special features and performance of the radar;
8. Impact of the condition of sea, weather, and other obstructions to the detection by the radar;
9. The number, location, and movements of vessels detected by the radar.

Article 65 (Risk of Collision)

- (1) Every vessel shall utilize all available means suitable for the prevailing circumstances and conditions to make a judgment on whether the risk of a collision with other vessels exists.
- (2) A vessel equipped with a radar shall conduct long-range scans, plot detected objects on the map, and conduct systematic observations of other matters with the radar to grasp the risk of a collision with other vessels.
- (3) No vessel shall depend upon inadequate information from the radar or any other insufficient information in making a judgment on the risk of a collision with other vessels.
- (4) If the compass bearing of an approaching vessel does not appreciably changes, a vessel shall take necessary measures, deeming that the risk of a collision exists. Necessary measures shall be also taken to prevent a collision, even where the compass bearing of an approaching vessel appreciably changes but she approaches a giant vessel, a vessel engaged in towing another vessel, or any other vessel at a close range.

Article 66 (Action to Avoid Collision)

- (1) A vessel shall take action to avoid a collision with other vessels in compliance with the rules of conduct in Sections 1 through 3 and 6 and shall take measures therefor pro-actively, taking time as sufficient as possible in accordance with practices for operating vessels appropriately, except as otherwise provided for in this Act.
- (2) When a vessel changes her course or speed to avoid a collision with another vessel, she shall make such change as big as possible so that another vessel can notice the change easily but shall not make small changes to her course or speed continually.
- (3) When a vessel changes her course on broad waters to avoid a collision, she shall change the course by a large angle at an appropriate time and shall ensure not to result in a close-quarters situation with another vessel.
- (4) When a vessel takes action to avoid a collision with another vessel, she shall ensure to keep a safe distance from the vessel in passing by the vessel. In such cases, a vessel shall carefully check the effects of her action until another vessel passes by her completely.
- (5) If it is necessary for a vessel to avoid a collision with another vessel or to take more time to make a judgment on the situation, the vessel may slacken her speed or completely stop her navigation by stopping

the operation of her engine or by reversing it.

(6) A vessel that shall not impede the passage of another vessel or disturb the safety of passage pursuant to this Act shall observe and take heed of the following matters:

1. She shall take action earlier to secure an area enough for another vessel to pass by safely;
2. If she creates the risk of a collision by approaching another vessel, she shall not be exempted from the liability therefor and shall fully take into consideration the action required in this Chapter when she takes action to give way.

(7) A vessel the passage of which shall not be obstructed by any other vessel under this Act shall comply with the provisions of this Chapter when she is put into a close-quarters situation with another vessel and the risk of a collision arises.

Article 67 (Narrow Channel, etc.)

(1) A vessel passing along a narrow channel or sea route (hereinafter referred to as "narrow channel") shall keep as close to the right edge of the narrow channel as possible, taking into consideration the safety of navigation: Provided, That a vessel shall not be obliged to pass along the right edge of a narrow channel in a zone particularly designated by the Minister of Oceans and Fisheries pursuant to Article 31 (1) or in a zone to which a traffic separation scheme shall apply pursuant to Article 68 (1). *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Neither a vessel of less than 20 meters in length nor a sailing vessel shall impede the passage of another vessel that may navigate safely only along the inside of a narrow channel.

(3) A vessel engaged in fishing shall not impede the passage of another vessel passing along the inside of a narrow channel.

(4) No vessel shall cross a narrow channel, if such crossing obstructs the passage of another vessel that may navigate safely only along the inside of such channel.

(5) A vessel that intends to overtake another vessel in a narrow channel pursuant to Article 71 (2) or (3) shall express her intention by making signals by sound, if she would be unable to overtake the other vessel, unless the vessel to be overtaken takes action for allowing the overtaking vessel to pass by safely. In such cases, if the vessel to be overtaken consents to the overtaking vessel's intention, she shall take action to allow the overtaking vessel to pass by safely.

(6) A vessel approaching a bend or an area of a narrow channel, where the visibility of other vessels is obstructed by an obstruction, shall exercise special care in navigation.

(7) No vessel shall anchor (or be tied to an anchored vessel) in a narrow channel: Provided, That the foregoing shall not apply where it is found unavoidable to avoid a marine accident or to rescue a human life or a vessel.

Article 68 (Traffic Separation Scheme)

(1) This Article shall apply to the following water zones (hereinafter referred to as "traffic separation zones"): *<Amended by Act No. 11690, Mar. 23, 2013>*

1. A water zone subject to the traffic separation scheme adopted by the International Maritime Organization;
 2. A water zone specified by Ordinance of the Ministry of Oceans and Fisheries as an area to which it is necessary to apply a traffic separation scheme because heavy marine traffic and the risk of collisions.
- (2) A vessel passing through a traffic separation zone shall comply with the following rules:
1. She shall proceed in the specified direction within the traffic lane;
 2. She shall keep a distance from the traffic separation line or separation zone as far as possible;
 3. She shall generally enter or exit through the entrance or exit of the traffic lane, but enter or exit at as small an angle to the specified direction of the vessel as possible in the traffic lane, when she enters or exits through either flank of the traffic lane.
- (3) No vessel shall cross a traffic lane: Provided, That if it is inevitable to cross a traffic lane, a vessel shall cross it in such manner that the direction of her stemhead is at as nearly a right angle as possible to the traffic lane.
- (4) No vessel shall navigate along a coastal traffic zone, if she can safely pass along a traffic lane in a traffic separation zone adjacent to the coastal traffic zone: Provided, That the following vessels may navigate along a coastal traffic zone:
1. A vessel of less than 20 meters in length;
 2. A sailing vessel;
 3. A vessel engaged in fishing;
 4. A vessel entering and exiting an adjacent port;
 5. A vessel entering and exiting a marine facility in a coastal traffic zone or a place where pilots shall embark or disembark a vessel;
 6. A vessel taking a shelter from an imminent danger.
- (5) No vessel, other than those crossing, entering, or exiting a traffic lane, shall enter a separation zone or cross a separation line, except where a vessel takes a shelter from an imminent danger or is engaged in fishing in a separation zone.
- (6) A vessel engaged in fishing within a traffic separation zone shall not impede the passage of other vessels navigating along a traffic lane.
- (7) Every vessel shall exercise special care when she navigates in the vicinity of the entrance or exit of a traffic separation zone.
- (8) No vessel shall anchor (or be tied to an anchored vessel) in the vicinity of a traffic separation zone or the entrance or exit of such zone: Provided, That the foregoing shall not apply where it is found inevitable to avoid a marine accident or to rescue a human life or vessel.
- (9) A vessel that does not use a traffic separation zone shall keep a distance as far as possible from the traffic separation zone while navigating.
- (10) Neither a vessel of less than 20 meters in length nor a sailing vessel shall impede the course of other vessels passing along a traffic lane.

(11) The provisions of paragraphs (1) through (10) shall not apply to a vessel restricted in her ability to maneuver, while she is engaged in works for laying, repairing, lifting a submarine cable or in works for the maintenance of safety of navigation in a traffic separation zone, to the extent necessary for such works.

Article 69 (Application)

This Section shall apply to vessels in sight of one another.

Article 70 (Sailing Vessels)

(1) Two sailing vessels are approaching one another to create the risk of a collision shall navigate in compliance with the following rules:

1. If each vessel has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other vessel;
2. If both vessels have the wind on the same side, the windward vessel shall keep out of the way of the leeward vessel;
3. If a vessel with the wind on the port side sights a vessel at the windward side but is unable to ascertain whether the other vessel has the wind on the port or starboard side, she shall keep out of the way of the other vessel.

(2) For the purpose of paragraph (1), "the windward side" means the side opposite to that on which the mainsail is unfurled, in cases of an afore-and-aft rigged vessel, or the side opposite to that on which the largest fore-and-aft sail is unfurled, in cases of a square-rigged vessel; and "the leeward side" means the side opposite to the windward side.

Article 71 (Overtaking)

(1) Notwithstanding the provisions of Section 1 and other provisions of Section, a overtaking vessel shall keep out of the way of the overtaken vessel until the former completely overtakes the latter or is able to keep a sufficient distance from the latter.

(2) A vessel shall take necessary measures against another vessel overtaking her from a direction more than 22.5 degrees abaft from her beam between her sides (at nighttime, it means such position at which only the stern light of another vessel is visible but no sidelight at either side is visible), deeming such vessel as an overtaking vessel.

(3) If a vessel is in doubt as to whether she is overtaking another vessel, she shall take necessary measures, deeming itself overtaking.

(4) When a vessel overtakes another vessel, the overtaking vessel shall keep shall keep out of the way of the overtaken vessel until overtaking is completed, irrespective of to whichever the bearing between the two vessels is altered.

Article 72 (Head-on Situation)

(1) When two power-driven vessels are at the risk of a collision with one another, bumping or nearly bumping into one another, each vessel shall alter her course to starboard so that each vessel can pass by the port side of the other vessel.

(2) If a vessel is able to see another vessel from the direction of her stem in either of the following cases, it shall be deemed that a head-on situation exists:

1. If a vessel can see two masthead lights of another vessel in a beeline or nearly in a beeline or sidelights on both sides by night;
2. If the masts of both vessels are in a beeline or nearly in a beeline from the stemhead to the stern in the daytime.

(3) If a vessel is in doubt as to whether a head-on situation exists, she shall take necessary measures, deeming that she is in a head-on situation.

Article 73 (Crossing Situation)

When two power-driven vessels are crossing the course of the other vessel to create the risk of a collision, the vessel which has the other vessel on her starboard side shall keep out of the way of the other vessel. In such cases, the vessel obliged to keep out of the way of the other vessel shall not cross ahead of the other vessel, except where such crossing is inevitable.

Article 74 (Action by Give-Way Vessel)

Every vessel obliged to keep out of the way of another vessel in accordance with this Act (hereinafter referred to as "give-way vessel") shall, so far as possible, take an early and substantial action to keep well clear.

Article 75 (Action by Stand-on Vessel)

(1) Where one of two vessels is to keep out of the way of the other vessel, the other vessel shall keep her course and speed.

(2) Notwithstanding paragraph (1), a vessel that shall keep her course and speed pursuant to paragraph (1) (hereinafter referred to as "stand-on vessel") may take action to avoid a collision with a give-way vessel by her maneuver alone when it is judged that the give-way vessel fails to take appropriate action in compliance with this Act. In such cases, the stand-on vessel shall not direct her course toward the vessel on her port side, except where she has no choice but to do so.

(3) When the stand-on vessel finds herself so close to the give-way vessel that a collision cannot be avoided by the action of the give-way vessel alone, she shall fully cooperate with the give-way vessel to avoid collision, notwithstanding paragraph (1).

(4) Paragraphs (2) and (3) do not relieve the give-way vessel of her obligation to keep out of the way of the other vessel.

Article 76 (Responsibilities between Vessels)

(1) Except as otherwise provided for in Articles 67, 68 and 71, a vessel underway shall comply with the rules in this Article.

(2) A power-driven vessel underway shall keep out of the way of the following vessels:

1. A vessel not under command;
2. A vessel restricted in her ability to maneuver;

3. A vessel engaged in fishing;
 4. A sailing vessel.
- (3) A sailing vessel underway shall keep out of the way of the following vessels:
1. A vessel not under command;
 2. A vessel restricted in her ability to maneuver;
 3. A vessel engaged in fishing.
- (4) A vessel engaged in fishing when underway shall, as far as possible, keep out of the way of the following vessels:
1. A vessel not under command;
 2. A vessel restricted in her ability to maneuver.
- (5) Any vessel, other than a vessel not under command or a vessel restricted in her ability to maneuver shall avoid impeding the passage of a vessel constrained by her draught, exhibiting the lights or shapes specified in Article 86, except where it is deemed inevitable.
- (6) A seaplane on the water shall, as far as possible, keep well clear of all vessels and avoid impeding their navigation, but where the risk of a collision exists, she shall comply with the provisions of this Act.
- (7) A WIG craft shall keep well clear of all vessels when she flies (or takes off or lands; hereinafter the same shall apply) to avoid impeding their navigation: Provided, That when a WIG craft navigates on the water, she shall comply with the rules of conduct prescribed by this Act for power-driven vessels.

Article 77 (Conduct of Vessels in Restricted Visibility)

- (1) This Article shall apply to vessels not insight of one another when navigating in or near an area of restricted visibility.
- (2) Every vessel shall proceed at a safe speed suitable for the prevailing circumstances and conditions of restricted visibility, and a power-driven vessel shall have her engines ready for immediate maneuver, when in restricted visibility.
- (3) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when taking measures pursuant to Section 1.
- (4) A vessel that detects by radar alone the presence of another vessel shall determine how near the other vessel is or whether the risk of a collision exists. In such cases, a vessel shall take action to avoid a collision in ample time, if she judges that a close-quarters situation is developing or the risk of a collision exists.
- (5) Where the action to be taken to avoid collision under paragraph (4) consists of an alteration of course alone, the action specified in the following subparagraphs shall be avoided as far as possible:
1. An alteration of the course to the port side where another vessel is forward of the beam of the vessel (except cases of an overtaken vessel)
 2. An alteration of the course towards a vessel abeam or abaft the beam.
- (6) Except where it is determined that the risk of a collision does not exist, every vessel shall reduce her speed to the minimum at which she can keep her course in either of the following cases. In such cases, a

vessel shall take all her way off, if necessary, and navigate with extreme caution until the risk of a collision is over, in any case:

1. When the vessel hears the fog signal of another vessel forward of her beam;
2. When the vessel cannot avoid a close-quarters situation with another vessel forward of her beam.

Article 78 (Application)

(1) This Section shall apply to all weathers.

(2) Every vessel shall exhibit lights in compliance with this Act from sunset to sunrise, but no light other than those specified in this Act shall be exhibited during such times: Provided, That the following lights may be exhibited:

1. Lights that cannot be mistaken as lights specified in this Act;
2. Lights that do not impair the visibility or distinctive character of a light specified in this Act;
3. Lights that do not interfere with the keeping of a proper lookout by a light specified in this Act.

(3) A vessel equipped with lights specified in this Act shall also exhibit such lights in restricted visibility even from sunrise to sunset and may exhibit such lights in all other circumstances when it is deemed necessary.

(4) Every vessel shall exhibit the shapes specified in this Act by day.

Article 79 (Types of Lights)

The lights of a vessel shall be classified into the following categories:

1. Masthead light: A white light placed over the fore and aft centerline of the vessel showing a light over an arc of the horizon of 225 degrees, which can show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel;
2. Sidelights: Lights each showing a light over an arc of the horizon of 112.5 degrees from right ahead on either side of the vessel, comprised of a red light on the port side; showing the light from right ahead to 22.5 degrees abaft the beam on its port side, and a green light on the starboard side, showing the light from right ahead to 22.5 degrees abaft the beam on the starboard side;
3. Stern light: A white light showing a light over an arc of the horizon of 135 degrees, placed as nearly as practicable at the stern to show the light 67.5 degrees from right aft on each side of the vessel;
4. Towing light: A yellow light having the same characteristics as the stern light;
5. All round light: A light showing a light over an arc of the horizon of 360 degrees: Provided, That flashing lights shall be excluded herefrom;
6. Flashing light: A light flashing at regular intervals at a frequency of 120 flashes or more per minutes, showing the light over an arc of the horizon of 360 degrees;
7. Bi-colored lanterns: Lights placed over the fore and aft centerline of the vessel, each showing a light comprised of two colors, red and green, each of which has the same characteristics of the red lights and green lights used as sidelights;
8. Tri-colored lanterns: Lights placed over the fore and aft centerline of the vessel, each showing a light comprised of three colors, red, green, and white, each of which has the same characteristics of the red

lights and green lights used as sidelights and the stern light.

Article 80 (Standards for Lights and Shapes)

Necessary matters regarding technological standards of visible ranges, luminous intensity, etc. of the lights specified in this Act, the structures and positions of lights and shapes specified in this Act, etc. shall be determined and publicly noticed by the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 81 (Power-Driven Vessels Underway)

(1) Every power-driven vessel underway shall exhibit the following lights:

1. A masthead light forward and another masthead light abaft of and higher than the forward one: Provided, That a vessel of less than 50 meters in length shall not be obliged to exhibit the masthead light abaft;
2. A pair of sidelights (a vessel of less than 20 meters in length may exhibit bi-colored lanterns in lieu of such sidelights; the same shall apply hereafter in this Section);
3. A stern light.

(2) A vessel specified in Ordinance of the Ministry of Oceans and Fisheries shall exhibit an all-round flashing yellow light, when operating in a non-displacement mode, in addition to the lights specified in paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013>

(3) When a WIG craft flies, she shall exhibit a high-luminous red flashlight flashing over all directions, in addition to the lights specified in paragraph (1).

(4) A power-driven vessel of less than 12 meters in length may exhibit an all-round white light and a pair of sidelights in lieu of the lights specified in paragraph (1).

(5) A power-driven vessel of less than seven meters in length whose maximum speed does not exceed 7 knots may exhibit an all-round white light alone in lieu of the lights specified in paragraph (1) or (4) and may also exhibit a pair of sidelights, if practicable;

(6) The masthead light or all-round white light on a power-driven vessel of less than 12 meters in length may be placed at a position out of the fore and aft centerline of the vessel if the centerline fitting is not practicable. In such cases, a pair of sidelights shall be combined into one light and exhibited on the fore and aft centerline of the vessel or in its vicinity, but such lights shall be exhibited as near the line on which the masthead light or the all-round white light is exhibited as possible, if it is impracticable to exhibit such lights as prescribed above.

Article 82 (Towing Vessel Underway)

(1) A power-driven vessel towing another vessel or object, shall exhibit the following lights or shapes:

1. Two masthead lights in the same vertical line in lieu of the masthead lights exhibited afore pursuant to Article 81 (1) 1: Provided, That if the length of the tow measured from the stern of the towing vessel to the aft end of the towed vessel or object exceeds 200 meters, three masthead lights shall be exhibited in the same vertical line;

2. A pair of sidelights;
 3. A stern light;
 4. A towing light in a vertical line above the stern light;
 5. A diamond shape at the place where it can best be seen, when the length of the tow exceeds 200 meters.
- (2) A power-driven vessel pushing ahead or towing alongside another vessel shall exhibit the following lights:
1. Two masthead lights in the same vertical line in lieu of the masthead lights exhibited afore pursuant to Article 81 (1) 1;
 2. A pair of sidelights;
 3. A stern light.
- (3) A vessel or object being towed shall exhibit the following lights or shapes:
1. A pair of sidelights;
 2. A stern light;
 3. A diamond shape at the place where it can best be seen, when the length of the tow exceeds 200 meters.
- (4) Two or more vessels being towed alongside or pushed in a group shall be deemed one vessel and shall exhibit the following lights:
1. A pair of sidelights at the forward end of the vessel being pushed ahead;
 2. A stern light and a pair of sidelights at the forward end of the vessel being towed alongside.
- (5) A vessel or object, or a combination of vessels or objects, being towed in an obscured and partly submerged state shall exhibit the following lights and shapes, notwithstanding paragraph (3):
1. One all-round white light at or near the forward end and one at or near the aft end respectively, if the breadth is less than 25 meters;
 2. One all-round white light at or near each end of the breadth respectively in addition to the lights specified in subparagraph 1, if the breadth is 25 meters or more;
 3. An additional all-round white light at the distance not exceeding 100 meters between the lights specified in subparagraphs 1 and 2, if the length exceeds 100 meters;
 4. A diamond shape at or near the aft end of the last vessel or object being towed. In such cases, if the length of the tow exceeds 200 meters, an additional diamond shape shall be exhibited at a place as far forward as possible where it can best be seen.
- (6) If it is impracticable to exhibit the lights or shapes specified in paragraph (3) or (5) at a vessel or object being towed, all available measures shall be taken whereby to illuminate the vessel or object being towed or indicate its presence.
- (7) If it is impracticable to exhibit lights specified in paragraph (1) or (2), when a vessel, ordinarily not engaged in towing operations, is towing another vessel in distress or in need of rescue, such vessel is not required to exhibit such lights. In such cases, all available measures under Article 94 shall be taken, such

as illuminating by a searchlight the towline used to indicate the relationship between the towing vessel and the vessel being towed.

(8) Where a pushing vessel and a vessel being pushed are tightly connected in a composite unit, such vessels shall be deemed one power-driven vessel and Article 81 shall apply to such vessels.

Article 83 (Sailing Vessels, etc. Underway)

(1) A sailing vessel underway shall exhibit the following lights:

1. A pair of sidelights;
2. A stern light.

(2) A sailing vessel of less than 20 meters in length underway may exhibit a tri-colored lantern at or near the top of the mast, where it can best be seen, in lieu of the lights specified in paragraph (1).

(3) A sailing vessel underway may exhibit two all-round lights above and below in a vertical line at or near the top of mast, where they can best be seen, in addition to the lights specified in paragraph (1). In such cases, the upper light shall be red, the lower one green, and such lights shall not be exhibited together with a tri-colored lantern specified in paragraph (2).

(4) A sailing vessel of less than 7 meters in length shall exhibit the light specified in paragraph (1) or (2) as far as possible: Provided, That if such vessel does not exhibit such lights, she shall have a portable electric light or a lighted lantern, showing a white light, ready at hand, and exhibit it for a sufficient period to prevent a collision.

(5) An oared vessel may exhibit the lights specified in this Article for sailing vessels: Provided, That such vessel shall comply with the proviso to paragraph (4), if she does not exhibit such lights.

(6) A sailing vessel proceeding under sail, when also being driven by an engine, shall exhibit forward, where it can best be seen, a conical shape, apex downwards.

Article 84 (Fishing Vessels)

(1) A vessel engaged in trawling, which means dragging a dredge net or other fishing appliance in the water, shall exhibit the following lights or shapes, whether or not underway:

1. Two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with their apexes together in a vertical line one above the other;
2. A masthead light abaft of and higher than the all-round green light specified in subparagraph 1: Provided, That a vessel of less than 50 meters in length, engaged in fishing, shall not be obliged to exhibit such light;
3. A pair of sidelights and a stern light, when making way through the water, in addition to the lights specified in subparagraphs 1 and 2.

(2) A vessel engaged in fishing, other than trawling under paragraph (1), shall exhibit the following lights or shapes, whether underway or at anchor:

1. Two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with their apexes together in a vertical line one above the other;

2. An all-round white light or a cone apex upwards in the direction of the gear, when there is outlying gear extending more than 150 meters horizontally from the vessel;
 3. A pair of sidelights and a stern light, when making way through the water, in addition to the lights specified in subparagraphs 1 and 2.
- (3) A vessel engaged in trawlnet fishing or purse-seine fishing shall exhibit additional signals prescribed by Ordinance of the Ministry of Oceans and Fisheries, in addition to the lights specified in paragraphs (1) and (2). *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) A vessel not engaged in fishing shall not exhibit the lights or shapes specified in this Article but shall exhibit only the lights or shapes prescribed for a vessel of her length.

Article 85 (Vessels Not under Command or Restricted in their Ability to Maneuver)

- (1) A vessel not under command shall exhibit the following lights or shapes:
1. Two all-round red lights in a vertical line where they can best be seen;
 2. Two balls or similar shapes in a vertical line where they can best be seen;
 3. A pair of sidelights and a stern light, when making way through the water, in addition to the lights specified in subparagraphs 1 and 2.
- (2) A vessel restricted in her ability to maneuver shall exhibit the following lights or shapes, except when she is engaged in mine-sweeping operations:
1. Three all-round lights in a vertical line where they can best be seen; the highest and lowest of the lights shall be red and the middle one shall be white;
 2. Three shapes in a vertical line where they can best be seen; the highest and lowest of the shapes shall be balls and the middle one shall be a diamond;
 3. A masthead light, a pair of sidelights and a stern light, when making way through the water, in addition to the lights specified in subparagraph 1;
 4. The lights or shapes specified in Article 88, when at anchor, in addition to the lights or shapes specified in subparagraphs 1 and 2.
- (3) A power-driven vessel engaged in a towing operation, which severely restricts her ability to deviate from her course, shall exhibit the lights or shapes specified in paragraph (2) 1 and 2, in addition to the lights or shapes specified in Article 82 (1).
- (4) A vessel engaged in dredging or underwater operations, which restricts her ability to maneuver, shall exhibit the lights and shapes specified in paragraph (2) and shall exhibit the following lights or shapes additionally, when an obstruction exists:
1. Two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;
 2. Two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass;
 3. The lights or shapes specified in subparagraphs 1 and 2 in lieu of the lights or shapes specified in Article 88, when at anchor.

(5) A vessel engaged in diving operations shall exhibit the following signals, if her size makes it impracticable to exhibit the lights and shapes specified in paragraph (4):

1. Three all-round lights in a vertical line where they can best be seen; the highest and lowest of such lights shall be red and the middle one shall be white;
2. A replica of the International Code flag "A", prescribed by the International Maritime Organization, not less than one meter in height shall be exhibited to ensure all-round visibility.

(6) A vessel engaged in mine-sweeping operations shall exhibit three all-round green lights or three balls indicating that it is dangerous for another vessel to approach closer than 1,000 meters from the vessel, in addition to the lights specified for a power-driven vessel in Article 81 or to the lights or shapes specified for a vessel at anchor in Article 88. In such cases, one out of these lights or shapes shall be exhibited near the foremast head, and one at each end of the crossbar of the foremast.

(7) A vessel of less than 12 meters in length shall not be obliged to exhibit the lights or shapes specified in this Article, except when she is engaged in diving operations.

Article 86 (Vessels Constrained by Her Draught)

A vessel constrained by her draught may exhibit three all-round red lights in a vertical line or a shape of cylinder at the place where they can best be seen, in addition to the lights specified for power-driven vessels in Article 81.

Article 87 (Pilot Vessels)

(1) A vessel engaged on pilotage duty shall exhibit the following lights or shapes:

1. Two all-round lights in a vertical line at or near the masthead; the upper one shall be white and the lower one shall be red;
2. A pair of sidelights and a stern light, when underway, in addition to the lights specified in subparagraph 1;
3. The lights or shapes specified in Article 88 for vessels at anchor, when at anchor, in addition to the lights specified in subparagraph 1.

(2) When a pilot vessel does not engage in pilotage, she shall exhibit the lights or shapes prescribed for a similar vessel of her length.

Article 88 (Anchored Vessels and Vessels Aground)

(1) A vessel at anchor shall exhibit the following lights or shapes where it can best be seen:

1. An all-round white light or one ball in the forepart;
2. An all-round white light at or near the stern and at a level lower than the light specified in subparagraph 1.

(2) A vessel of less than 50 meters in length may exhibit an all-round white light where it can best be seen in lieu of the lights specified in paragraph (1).

(3) A vessel at anchor shall use the available working or equivalent lights to illuminate her decks: Provided, That a vessel of less than 100 meters in length shall not be obliged to use such lights.

(4) A vessel aground shall exhibit the lights specified in paragraph (1) or (2) and shall exhibit the following lights and shapes additionally where they can be seen most effectively:

1. Two all-round red lights in a vertical line;
2. Three balls in a vertical line.

(5) A vessel of less than seven meters in length shall not be obliged to exhibit the lights or shapes specified in paragraphs (1) and (2), when at anchor or aground, not in or near a narrow channel or anchorage nor in an area where other vessels normally navigate.

(6) A vessel of less than 12 meters in length shall not be obliged to exhibit the lights or shapes specified in paragraph (4), when aground.

Article 89 (Seaplanes and WIG Craft)

Where it is impracticable for a seaplane or WIG craft to exhibit lights and shapes of the characteristics prescribed in this Section or in the specified positions, she shall exhibit lights and shapes as closely similar in characteristics and positions to those prescribed in this Section as possible.

Article 90 (Types of Whistle)

The term "whistle" means any sound signalling appliance capable of producing short blasts and prolonged blasts as defined in the following subparagraphs:

1. Short blast: A blast of about one second's duration;
2. Prolonged blast: A blast of from four to six seconds' duration.

Article 91 (Equipment for Sound Signals)

(1) A vessel of 12 meters or more in length shall be provided with a whistle, a vessel of 20 meters or more in length shall be provided with a whistle and a bell, and a vessel of 100 meters or more in length shall be provided additionally with a gong, whose tone and sound cannot be mistaken for that of the bell: Provided, That the bell and gong may be replaced by other equipment with an identical timbre, with which a manual sounding of signals required under this Act can be effected.

(2) A vessel of less than 12 meters in length shall not be obliged to carry the sound signaling appliances specified in paragraph (1): Provided, That if a vessel is not provided with such appliances, she shall have other equipment capable of making an effective sound signal.

(3) The technological standards for the whistle, bell, and gong, with which a vessel shall be provided, and the position of a whistle shall be determined and publicly announced by the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 92 (Maneuvering and Warning Signals)

(1) When power-driven vessels are in sight of one another, a power-driven vessel underway shall indicate her maneuvering by the following signals on her whistle, when she alters her course or employs her engine in backward gear in accordance with the provisions of this Act: <Amended by Act No. 12221, Jan. 7, 2014>

1. To alter her course to starboard: One short blast;
2. To alter her course to port: Two short blasts;

3. To propel astern: Three short blasts.

(2) A power-driven vessel underway may supplement the whistle signals prescribed in paragraph (1) by the following light signals, repeated as appropriate:

1. To alter her course to starboard: One flash;

2. To alter her course to port: Two flashes;

3. To propel astern: Three flashes.

(3) The duration of each flash and the interval between flashes shall be about one second respectively, and the interval between repeated signals shall be at least ten seconds, while the light used for such flash signals shall be an all round white light that shall be visible at a minimum range of five nautical miles.

(4) Vessels in sight of one another in a narrow channel shall use the whistle signals prescribe in Article 67 (5) in the following manner:

1. A vessel intending to overtake another on the latter's starboard side shall indicate her intention by two prolonged blasts followed by a short blast;

2. A vessel intending to overtake another on the latter's port side shall indicate her intention by two prolonged blasts followed by two short blasts;

3. A vessel to be overtaken shall indicate her agreement on being overtaken by another vessel by twice repeating one prolonged and one short blast.

(5) When vessels in sight of one another are approaching each other and either vessel fails to understand the intention or action of the other vessel or is in doubt whether sufficient action is being taken by the other vessel to avoid collision, the relevant vessel about such situation shall indicate her concern immediately by giving five short and rapid blasts. In such cases, such signals indicating doubt may be supplemented by a light signal of at least five short and rapid flashes.

(6) A vessel nearing a bend of a narrow channel or an area in which other vessels are obscured by an obstruction shall sound one prolonged blast. In such cases, another vessel approaching the sounding vessel shall answer the signal with a prolonged blast, if she hears such signal near the bend or behind the obstruction.

(7) If at least two whistles are fitted on a vessel at a distance apart of at least 100 meters, only one whistle shall be used for giving maneuvering and warning signals.

Article 93 (Sound Signals in Restricted Visibility)

(1) All vessels in or near an area of restricted visibility shall use the following signals, whether by day or night:

1. A power-driven vessel making way through the water shall sound one prolonged blast at intervals of not more than two minutes;

2. A power-driven vessel underway but stopped and making no way through the water shall sound two prolonged blasts with an interval of about two seconds between them in succession at intervals of not more than two minutes;

3. A vessel not under command, a vessel with restricted in her ability to maneuver, a vessel constrained by her draught, a sailing vessel, a vessel engaged in fishing, or a vessel engaged in towing or pushing another vessel shall sound three blasts in succession (one prolonged blast followed by two short blasts) at intervals of not more than two minutes, in lieu of the signals prescribed in subparagraphs 1 and 2;
4. A vessel towed (the last vessel of the tow, if two or more vessels are towed), if manned, shall sound four blasts in succession (one prolonged blast followed by three short blasts) at intervals of not more than two minutes. In such cases, the signal shall be made immediately after the signal made by the towing vessel as far as practicable;
5. A vessel at anchor shall ring the bell rapidly for about five seconds at intervals of not more than one minute: Provided, That a vessel with restricted in her ability to maneuver, while engaged in fishing or performing works at anchor, shall sound the signal prescribed in subparagraph 3, while a vessel of 100 meters or more in length shall ring the bell in her forepart and shall sound the gong rapidly for about five seconds at the stern immediately after the ringing of the bell and may sound three blasts in succession (one short, one prolonged, and one short blast) in addition, if it is necessary to give a warning of her position and of the possibility of collision to an approaching vessel;
6. A vessel of less than 100 meters in length, when aground, shall give the bell signal rapidly for about five seconds at intervals of not more than one minute and shall additionally give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. In such cases, a vessel aground may sound an appropriate whistle signal in addition;
7. A vessel of 100 meters or more in length, when aground, shall give the bell signal rapidly for about five seconds at intervals of not more than one minute in the forepart of the vessel, shall additionally give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell, and shall ring the gong rapidly in the stern part of the vessel immediately after the last ringing of the bell. In such cases, a vessel aground may sound an appropriate whistle signal in addition.
8. A vessel of less than 12 meters in length shall not be obliged to give the signals prescribed in subparagraphs 1 through 7, while a vessel of not less than 12 meters but less than 20 meters in length shall not be obliged to give the signals prescribed in subparagraphs 5 through 7: Provided, That where if a vessel does not give such signals, she shall make other effective sound signals at intervals of not more than two minutes.
9. A pilot vessel, engaged in pilotage duty, may sound an identity signal by sounding four short blasts in addition to the signals prescribed in subparagraph 1, 2 or 5.

(2) When a pushing vessel and a vessel being pushed ahead are tightly connected in a composite unit, the provisions of this Article shall apply to such vessels, deeming them one power-driven vessel.

Article 94 (Signals to Attract Attention)

(1) If necessary to attract the attention of another vessel, a vessel may make light or sound signals that cannot be mistaken for any signal prescribed elsewhere in this Act or may direct the beam of her searchlight in the direction of the danger in such a manner as not to embarrass any vessel.

(2) A light signal or searchlight referred to in paragraph (1) shall be such one as cannot be mistaken as a navigational aid, and a strobe light or any other strong light, flickering or rotating, shall not be used for such purpose.

Article 95 (Distress Signals)

(1) When a vessel is in distress and requires rescue, she shall make the signals prescribed by the International Maritime Organization.

(2) No vessel shall make the signals specified in paragraph (1) for any purpose other than the purposes prescribed in paragraph (1) or any signal that might be mistaken as a signal specified in the aforesaid paragraph.

Article 96 (Critical Situation with Imminent Danger)

(1) Each vessel, shipmaster, shipowner, or seafarer shall exercise reasonable care in preparation against all critical situations with imminent danger (including circumstances situated due to limits on the performance of vessels involved), such as the risk of a collision with another vessel.

(2) When a vessel is in a critical situation with imminent danger as referred to in paragraph (1), she shall not be obliged to comply with the rules of conduct prescribed in Sections 1 through 3 in order to avoid such danger.

(3) No vessel, shipmaster, shipowner, or seafarer shall be relieved from liability for any consequence of his/her negligence in complying the provisions of this Act or in exercising care required for a critical situation.

Article 97 (Special Provisions regarding Installation and Exhibition of Lights and Shapes)

Special provisions regarding vessels in which it is impracticable or unnecessary to install or exhibit the lights or shapes prescribed in this Section in the light of the structure of the vessels or the nature of their navigation may be prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 97-2 (Maritime Safety Charter)

(1) In order to raise citizens' awareness of maritime safety and prevent marine accidents, the Minister of Oceans and Fisheries may establish and publicly announce a maritime safety charter that provides for matters concerning maritime safety and rules with which persons engaged in any business related to maritime safety, such as maritime safety control, shall comply.

(2) Each administrative agency, etc. involved in maritime safety shall post the maritime safety charter under paragraph (1) on related facilities, ships, etc., broadly inform interested parties of the details of the maritime safety charter, and shall take measures necessary for putting it to practice.

Article 97-3 (Maritime Safety Day, etc.)

In order to raise citizens' awareness of maritime safety, the Minister of Oceans and Fisheries may designate a day as Maritime Safety Day and may hold events necessary therefor, as prescribed by Presidential Decree.

Article 98 (Hearings)

Where the Minister of Oceans and Fisheries or the Minister of Public Safety and Security intends to make any of the following dispositions, he/she shall hold hearings: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12581, May 14, 2014; Act No. 12844, Nov. 19, 2014>*

1. Revocation of permission for works or operations specified in Article 13 (3);
2. Revocation of the registration of a safety examination agent specified in Article 23 (1);
3. Revocation of the designation of an examination agency specified in Article 48 (5);
4. Revocation of the registration of a safety control agency specified in Article 54 (1);
5. Revocation of the designation of an exemplary business operator in maritime safety or suspension of the validity of designation specified in Article 57-2 (4).

Article 99 (Delegation or Entrustment of Authority)

(1) The Minister of Oceans and Fisheries or the Minister of Public Safety and Security may partially delegate his/her authority bestowed under this Act to the head of an agency affiliated to the Ministry or the head of a local government, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(2) The Minister of Oceans and Fisheries may partially entrust his/her authority bestowed under this Act to the Minister of Public Safety and Security or the head of any of the agencies affiliated to the Ministry, as prescribed by Presidential Decree. *<Newly Inserted by Act No. 12844, Nov. 19, 2014>*

(3) The Minister of Oceans and Fisheries may partially entrust affairs assigned to him/her under this Act, such as international cooperation in maritime safety specified in Article 4 (3), to specialized institutions determined and publicly announced by the Minister of Oceans and Fisheries, from among institutions specializing in maritime safety, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

Article 100 (Duty of Confidentiality)

A person who is or was involved in any of the following business affairs shall not divulge confidential information acquired in the scope of his/her duty or use such information for any purpose other than his/her duty: Provided, That the foregoing shall not apply where the Minister of Oceans and Fisheries determines that it is necessary to divulge or use such information for maritime safety: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Examinations conducted for certification by an agency under Article 48 (1);
2. Business affairs entrusted to a specialized institution under Article 99 (2).

Article 101 (Special Provisions regarding Application of Administrative Vicarious Execution)

(1) Where the Minister of Oceans and Fisheries determines that it is urgently required to promptly enforce an order to indicate and remove an obstruction to navigation under Article 26 (2) or 28 (2) but it is impracticable to achieve the objective thereof, if he/she follows the procedure prescribed in Article 3 (1) and (2) of the Administrative Vicarious Execution Act, he/she may take necessary measures without following the procedure. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Necessary matters regarding the custody and disposal of vessels, etc. removed by administrative vicarious execution shall be prescribed by Presidential Decree.

Article 102 (Legal Fiction of Public Officials for Application of Penal Provisions)

Executives and employees of agencies vicariously executing affairs assigned to Minister of Oceans and Fisheries pursuant to Article 48 (1) and executives and employees of a specialized institution engaged in business affairs entrusted pursuant to Article 99 (2) shall be deemed public officials for the purpose of applying any provision of Articles 129 through 132 of the Criminal Act to them. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 103 (Penal Provisions)

Any person who breaches an order issued under Article 18 (4) to suspend business operation shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 50 million won.

Article 104 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding 30 million won:

1. An operator who operates, or instructs the operation of, the steering gear of a vessel defined in subparagraph 1 of Article 2 of the Ship Personnel Act (including non-Korean vessels falling under the aforementioned subparagraph) or a person who conducts pilotage, while under the influence of alcohol, in violation of Article 41 (1);
2. An operator who operates, or instructs the operation of, the steering gear of a vessel defined in subparagraph 1 of Article 2 of the Ship Personnel Act (including non-Korean vessels falling under the aforementioned subparagraph) or a person who conducts pilotage without complying with a request by a police officer of the Ministry of Public Safety and Security to undergo an examination, in violation of Article 41 (2);
3. An operator who operates, or instructs the operation of, the steering gear of a vessel defined in subparagraph 1 of Article 2 of the Ship Personnel Act or conducts pilotage for such vessel, while in a state where he/she is unlikely to be able to operate, or instruct the operation of, the steering gear of the vessel or to conduct pilotage for such vessel in a normal condition due to influence of a drug or hallucinant, in violation of Article 41-2;
4. A person who divulges confidential information obtained in the course of performing his/her duties or uses such information for any purpose other than his/her duties, in violation of Article 100.

Article 105 Deleted. *<by Act No. 13386, Jun. 22, 2015>*

Article 106 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding ten million won: *<Amended by Act No. 13386, Jun. 22, 2015>*

1. A person who enters a protection zone without permission, in violation of Article 8 (2);

2. A person who breaches a condition attached to permission granted under Article 8 (3);
3. A person who sets up a fishing net or other fishing gear affecting the navigation of vessels or engages in sea farming in a specific sea area for traffic safety, in violation of Article 12 (2);
4. A person who performs works or operations in a specific sea area for traffic safety without permission under Article 13 (1);
5. A person who passes through a sea area subject to prohibition of passage of oil tankers, in violation of Article 14 (1);
6. A person who implements a project without conducting the marine traffic safety examination under Article 15 (1) or implements a project before such marine traffic safety examination is completed;
7. A person who makes a misrepresentation in a safety examination report drawn up and submitted pursuant to Article 15 (2);
8. A person who acts as a marine traffic safety examination agent without being registered as a safety examination agent under Article 19 (2);
9. A person who acts as a marine traffic safety examination agent after his/her registration is revoked or he/she is ordered to suspend business operation under Article 23 (1) (excluding where a person vicariously conducts a marine traffic safety examination pursuant to Article 24);
10. A person who breaches an order issued under Article 34 (2) to move or salvage an abandoned vessel or to remove a fishing net or other fishing gear;
11. A person who violates Article 35 (1) or who does not withdraw in violation of Article 35 (3);
12. A person who breaches an order issued under Article 40 (1) to halt or sail back;
13. A person who uses a vessel for navigation without successfully passing an examination for certification (including where a vessel safety control certificate or safety control compliance certificate is invalidated under Article 49 (6) or (7)), in violation of the main sentence of Article 47 (2);
14. A person who obtains a vessel safety control certificate, safety control compliance certificate, temporary vessel safety control certificate, or temporary safety control compliance certificate under Article 49 (1) or (2) fraudulently or deceptively;
15. A person who acts as a safety control agency without being registered, in violation of Article 51 (1);
16. A person who breaches any order issued under Article 59 (1) for improvement;
17. The shipmaster or shipowner of a ship that engage in marine passenger transportation services defined in subparagraph 2 of Article 2 of the Marine Transportation Act, who fails to make a report specified in Article 43 (1), neglects such report, or makes a false statement in such report;
18. The shipmaster or shipowner of a ship engaged in marine passenger transportation services defined in subparagraph 2 of Article 2 of the Marine Transportation Act, who breaches an order issued under Article 43 (3) or (4).

Article 107 (Penalty Provisions)

Any of the following persons shall be punished by a fine not exceeding five million won: <Amended by Act No. 13386, Jun. 22, 2015>

1. A person who breaches any order issued under any subparagraph of Article 11;
2. A person who fails to remove a structure or reinstate an area to its original state, in violation of Article 13 (4);
- 2-2. A person who fails to comply with any instruction given by the vessel traffic control system under the main sentence of Article 36 (2), without good cause;
3. The shipmaster or shipowner of any ship, other than those referred to in subparagraph 18 of Article 106, who breaches any order issued under Article 43 (3) or (4).

Article 108 (Penal Provisions)

Any person who breaches an order issued under Article 38 (1) shall be punished by a fine not exceeding three million won.

Article 109 (Joint Penal Provisions)

If the representative of a corporation or an agent, employee, or servant of a corporation or individual commits an offense in violation of any provision of Articles 103 through 108 in connection with the business of the corporation or individual, not only shall such offender be punished accordingly, but the corporation or individual also shall be punished by the fine prescribed in the relevant Article: Provided, That the foregoing shall not apply where the corporation or individual has not neglected due care and supervision over the business to prevent such offense.

Article 110 (Administrative Fines)

(1) Any person who discloses, divulges, alters, or destroys location information of a vessel, in violation of Article 37, shall be subject to an administrative fine not exceeding 20 million won.

(2) Any of the following persons shall be subject to an administrative fine not exceeding ten million won:

<Amended by Act No. 13386, Jun. 22, 2015>

1. A person who breaches an order issued under Article 18 (3);
2. A person who refuses to make an appearance or a statement in accordance with Article 58 (1) or refuses, interferes with, or evades an inspection, verification, investigation, or examination;
3. A person who fails to submit a document or report in accordance with Article 58 (1) or who makes a false statement in such report or document.

(3) Any of the following persons shall be subject to an administrative fine not exceeding three million won: <Amended by Act No. 11197, Jan. 17, 2012; Act No. 12538, Mar. 24, 2014; Act No. 12581, May 14, 2014; Act No. 12844, Nov. 19, 2014; Act No. 13386, Jun. 22, 2015>

1. A person who violates the sea-lane designation scheme under Article 10 (2);
2. A person who violates Article 12 (1);
3. A person who violates a rule with which oil tankers shall comply under the latter part of Article 14 (3) 4;
4. A person who fails to file a report on the succession to rights and obligations by transfer or merger, in violation of Article 21 (2) (including cases to which the aforementioned provisions shall apply pursuant to Article 53 (1));

5. A person who fails to file a report on temporary or permanent closure of business, in violation of Article 22 (including cases to which the aforesaid provisions shall apply pursuant to Article 53 (2));
6. A person who fails to give notice in compliance with Article 24 (3);
7. A person who fails to file a report in compliance with Article 25 (1);
8. A person who fails to put a mark or take measures in compliance with Article 26 (1);
9. A person who breaches an order issued under Article 26 (2) to put a mark or to take measures;
10. A person who breaches an order issued under Article 28 (2) for removal;
11. A person who violates a public notice given under Article 31 (1);
12. A person who violates any subparagraph of Article 34 (1);
13. A person who conducts an activity, such as skin diving or scuba diving, without permission, in violation of Article 34 (3), or who breaches a condition attached to such permission;
14. A person who breaches an order issued under Article 34 (4) for rectification;
15. A person who fails to make a report in accordance with Article 36 (4) or who makes a false statement in such report;
- 15-2. A person who fails to have no radio system or who fails to listen and respond to the telecommunications system for traffic control, in violation of Article 36 (5);
- 15-3. The shipmaster of a ship, who fails to preserve recorded conversations through the telecommunications system for traffic control, in violation of Article 36 (6);
- 15-4. An operator who operates, or instructs the operation of, the steering gear of a vessel of less than five gross tons (limited to vessels registered in the Republic of Korea), which does not fall under the proviso to subparagraph 1 (a) of Article 2 of the Ship Personnel Act, while under the influence of alcohol, in violation of Article 41 (1);
- 15-5. An operator who operates, or instructs the operation of, the steering gear of a vessel of less than five gross tons (limited to vessels registered in the Republic of Korea), which does not fall under the proviso to subparagraph 1 (a) of Article 2 of the Ship Personnel Act, and fails to comply with a request for an examination conducted by the police officer of the Ministry of Public Safety and Security, in violation of Article 41 (2);
- 15-6. A person who fails to comply with any order issued or a measure taken under Article 41 (4);
16. Deleted; <by Act No. 13386, Jun. 22, 2015>
17. A person who fails to give notice in compliance with the latter part of Article 46 (3);
18. A person who fails to employ a safety control manager or safety controller in compliance with Article 46 (5);
19. A person who fails to keep a certificate that shall be kept in compliance with Article 49 (3);
20. and 21. Deleted; <by Act No. 13386, Jun. 22, 2015>
22. A person who violates any provision regarding navigation prescribed in Articles 63 through 68, 70 through 77, and 96;

23. A person who violates any provision regarding the installation and exhibition of lights and shapes prescribed in Articles 78, 81 through 85, and 87 through 89;
24. A person who violates a rule that requires him/her to provide the equipment for making sound signals, light signals, etc. ready for use, under Articles 91 through 95 and the provisions regarding the use of such signals;
25. The shipmaster or shipowner of any ship, other than those referred to in subparagraph 17 of Article 106, who fails to make a report in accordance with Article 43 (1), neglects such report, or makes a false statement in such report.
- (4) Any person who interferes with or intervenes in a shipmaster's expert judgment, in violation of Article 45, shall be subject to an administrative fine not exceeding two million won.
- (5) Administrative fines provided for in paragraphs (1) through (4) shall be imposed and collected by the Minister of Oceans and Fisheries, the Minister of Public Safety and Security, the Head of the relevant Regional Office of Oceans and Fisheries, or the Chief of the relevant Coast Guard Station, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 13386, Jun. 22, 2015>*

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (General Transitional Measure)

The decisions, dispositions, proceedings, and other acts made or done under the former Sea Traffic Safety Act at the time when this Act enters into force shall be deemed to have been done under this Act.

Article 3 (Transitional Measure concerning Application of Penal Provisions, etc.)

A violation committed before this Act enters into force shall be governed by previous provisions in applying penal provisions to such violation and imposing a fine for negligence therefor.

Article 4 (Transitional Measure concerning Occasional Examination for Certification)

A vessel or place of business that successfully passed an occasional examination conducted for certification under the former Sea Traffic Safety Act before this Act enters into force shall be deemed to have passed a temporary examination conducted under this Act for certification.

Article 5 (Transitional Measure concerning Agency for Examinations for Certification)

An institution designated as a certification examination agency under the former Sea Traffic Safety Act before this Act enters into force shall be deemed an examination agency designated under this Act.

Article 6 (Transitional Measure concerning Issuance of Vessel Safety Control Certificates, etc.)

A vessel and its place of business that hold a vessel safety control certificate and a safety control compliance certificate issued under the former Sea Traffic Safety Act before this Act enters into force shall be deemed to hold such certificates issued under this Act.

Article 7 (Transitional Measure concerning Safety Control Agencies and Safety Examination Agencies)

A person registered as a safety control agency or a safety examination agency under the former Sea Traffic Safety Act at the time when this Act enters into force shall be deemed registered as a safety control agency or a safety examination agency under this Act.

Article 8 Omitted.

Article 9 (Relationship to Other Acts and Subordinate Statutes)

A citation of the former Sea Traffic Safety Act or any provision thereof in any other Act or subordinate statute in force at the time when this Act enters into force shall be deemed a citation of this Act or the corresponding provision of this Act, if any, in lieu of the former Sea Traffic Safety Act or the provision thereof.

ADDENDUM <Act No. 11197, Jan. 17, 2012>

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

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

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 11862, Jun. 4, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2015.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 12221, Jan. 7, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of Articles 11 and 92 (1) 3 shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Revocation of Registration of Safety Examination Agents)

Notwithstanding the amended provisions of Article 23, the former provisions shall apply to the revocation of registration of a safety examination agent on the ground of a violation committed before this Act enters into force.

ADDENDA <Act No. 12489, Mar. 18, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Persons Declared Incompetent, etc.)

Persons under adult guardianship, persons under limited guardianship, and minors defined in the amended provisions of subparagraph 1 of Article 20 (including the cases to which the said provisions shall apply mutatis mutandis pursuant to Article 21 (3)) shall be deemed to include persons upon whom the declaration of incompetence or quasi-incompetence remains effective under Article 2 of the Addenda to the partially amended Civil Act (Act No. 10429).

ADDENDA <Act No. 12538, Mar. 24, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 12581, May 14, 2014>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Change of Scope of Projects subject to Safety Examinations)

Notwithstanding the amended provisions of subparagraph 16 of Article 2 and Articles 15, 18 (5), and 18-2, the former provisions shall apply to projects subject to safety examinations for which a safety examination report has been submitted under Article 15 (2) before this Act enters into force (including the projects for which the head of a state organ or the head of a local government has submitted a safety examination report).

Article 3 (Transitional Measures concerning Guidance and Supervision over Ship or Place of Business)

Notwithstanding the amended provisions of Article 58, the former provisions shall apply to the guidance and supervision over a ship or a place of business concerning which notice has been given with regard to inspection, verification, or examination under the former provisions of Article 58 (2) before this Act enters into force.

ADDENDA <Act No. 12844, Nov. 19, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of an Act, promulgated before this Act enters into force, but the date they are to enter into force, has not yet arrived, among the Acts amended under Article 6 of the Addenda, shall enter into force on the date

the relevant Act enters into force.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 13002, Jan. 6, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 13186, Feb. 3, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDUM <Act No. 13386, Jun. 22, 2015>

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

