

RADIATION AND RADIOISOTOPE USE PROMOTION ACT

Act No. 6814, Dec. 26, 2002

Amended by Act No. 8078, Dec. 26, 2006

Act No. 8852, Feb. 29, 2008

Act No. 8863, Feb. 29, 2008

Act No. 10774, Jun. 7, 2011

Act No. 10909, Jul. 25, 2011

Act No. 10911, Jul. 25, 2011

Act No. 11690, Mar. 23, 2013

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the development of the national economy and improvement of the quality of lives of citizens by promoting research and development, and the use, of radiation and radioisotopes, and by laying down the foundation for nurturing related industries.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 10911, Jul. 25, 2011>

1. The term "radiation" means radiation defined in subparagraph 7 of Article 2 of the Nuclear Safety Act;
2. The term "radioisotopes" means radioisotopes defined in subparagraph 6 of Article 2 of the Nuclear Safety Act.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

CHAPTER II ESTABLISHMENT AND IMPLEMENTATION OF PLANS FOR PROMOTION OF USE OF RADIATION, ETC.

Article 3 (Establishment of Plans for Promotion of Use of Radiation, etc.)

- (1) The Minister of Science, ICT and Future Planning shall establish a plan to promote the use of radiation, etc. (hereinafter referred to as "promotion plan") in order to put into action matters concerning radiation and radioisotopes (hereinafter referred to as "radiation, etc.") included in a comprehensive

nuclear energy promotion plan established pursuant to Article 9 of the Nuclear Energy Act. <Amended by Act No. 10909, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Science, ICT and Future Planning shall establish a promotion plan every five years after receiving plans and policies related to radiation etc. submitted by the heads of relevant central administrative agencies, and notify the heads of the relevant central administrative agencies of the plan, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The promotion plan shall include the followings:

1. Policy objectives concerning research and development in radiation, etc., and the use thereof, and the nurturing of relevant industries;
2. Matters concerning pushing forward with research on radiation, etc. and the dissemination of, and the facilitation of practical use of, research results;
3. An investment plan for research and development in radiation, etc. and the use thereof and the nurturing of relevant industries and a scheme for securing funding therefor;
4. Education and utilization of experts specializing in the fields of radiation, etc. and the facilitation of mutual exchanges among such experts;
5. Expansion of knowledge and information about radiation, etc. and the establishment of a management system for the dissemination thereof;
6. A scheme for facilitating international cooperation in research, and technology development, etc., in radiation, etc.;
7. Matters concerning the formation of industrial complexes for nurturing relevant industries including those regarding radiation;
8. Other matters necessary for the research and development in radiation, etc. and the use thereof and the nurturing of relevant industries.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 4 (Establishment and Implementation of Annual Implementation Plans)

(1) The Minister of Science, ICT and Future Planning shall establish implementation plans for promotion on a yearly basis, after consultation with the heads of relevant central administrative agencies, as prescribed by Presidential Decree, and shall notify the heads of the relevant central administrative agencies of such plans. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The heads of the relevant central administrative agencies shall move forward with matters related to the affairs falling within his/her remit as provided in the annual implementation plans notified pursuant to paragraph (1).

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

CHAPTER III RESEARCH AND DEVELOPMENT, AND ENHANCING THE USE, OF RADIATION, ETC.

Article 5 (Expansion of Investments in Research and Development)

The Government shall endeavor to secure financial resources required to expand investments in research and development of radiation, etc.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 6 (Expansion of Infrastructure for Research on Radiation, etc. and Support therefor)

(1) In order to encourage research on radiation, etc., the Government shall formulate a policy necessary for securing researchers and teaching staff and expanding research facilities for the following institutes:

1. Research institutes to which the Support of Specific Research Institutes Act is applicable;
2. Colleges, universities, industrial colleges, junior colleges, and technical colleges under the Higher Education Act;
3. National and public research institutes.

(2) The Government may fully or partially subsidize the expenses incurred for activities of any corporation or organization established for research on radiation, etc.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 7 (Support for Activities for Development of Technology)

(1) The Government shall establish and implement a policy for securing human resources and providing tax and financial incentives to universities, colleges, research institutes, and industrial enterprises to support their activities for the development of technology for radiation, etc. and encourage collaborative research.

(2) The Government shall preferentially implement a supportive policy under paragraph (1) for technology-intensive small and medium enterprises related to radiation, etc. and start-ups using new technologies.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 8 (Support, etc. for Industrial Enterprises Related to radiation, etc.)

(1) The Government shall take a measure necessary for establishing a system for the production and distribution of radiation, etc. and expanding the use of radiation, etc.

(2) The Government may provide necessary support to any person who establishes and operates a facility for the collection, transportation, consolidation, storage, or disposal of radioactive wastes produced in the course of research and development, and the use, of radiation, etc.

(3) The Government may provide necessary support to any person who produces products using a new technology related to radiation, etc. so as to facilitate the industrialization of results of research on radiation, etc.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 9 (Preparation of Clinical and Screening Systems)

(1) The Government shall put in place reasonable clinical and screening systems for the products related to radiation, etc. so as to facilitate research on radiation, etc. and the industrialization thereof.

(2) Necessary matters concerning the preparation of such clinical and screening systems under paragraph (1) shall be prescribed by Ordinance of the Ministry of Education, Science and Technology. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 10 (Management and Circulation of Information Related to Radiation, etc.)

The Minister of Science, ICT and Future Planning shall establish and promote a policy concerning each of the following matters in order to facilitate the production, circulation, management, and utilization of information related to radiation, etc., after consultation with the heads of relevant central administrative agencies: <Amended by Act No. 11690, Mar. 23, 2013>

1. Collection, analysis, and processing of information and establishment of database;
2. Supply of comprehensive information about the current status of, and the prospects for, radiation technology, etc.;
3. Nurturing, etc. of agencies managing and circulating information.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 11 (Designation, etc. of Primary Research Institute and Information Management Institute)

(1) The Minister of Science, ICT and Future Planning may designate an institute primarily responsible for research on basic fields such as radiation and, radiation, etc. which is applicable to industrial, medical, and environmental areas, and the industrialization of the results of research on radiation, etc. (hereinafter referred to as "primary research institute"). <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Science, ICT and Future Planning may designate an institute or organization exclusively dedicated to the management of information (hereinafter referred to as the "institute of information management") so as to promote the efficient implementation of policies on the management, etc. of information under Article 10. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The Minister of Science, ICT and Future Planning may fully or partially subsidize, within budgetary limits, the expenses incurred in operating the primary research institute and the institute of information management. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Where the Minister of Science, ICT and Future Planning intends to designate any research institute established pursuant to the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions, as the primary research institute or the institute of information management, he/she shall, in advance, consult with the supervisory authorities under Article 29 (1) of the aforesaid Act. <Amended by Act No. 11690, Mar. 23, 2013>

(5) Necessary matters concerning entities eligible for designation as the primary research institute or the institute of information management, the requirements and procedures for the designation, and other relevant matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 12 (Formation of Industrial Complexes for Radiation, etc. and Support therefor)

In an effort to facilitate research and development of radiation, etc., to raise production efficiency for related products, and to induce and nurture domestic and foreign enterprises by forming a systematic link among the industry, academia and research circles, the Government may establish industrial complexes for radiation, etc. or support the formation of such complexes.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 13 (Fact-finding Surveys)

(1) The Minister of Science, ICT and Future Planning shall conduct fact-finding surveys on industries using radiation, etc. for efficient implementation of the policy on the utilization of radiation, etc. <Amended by Act No. 11690, Mar. 23, 2013>

(2) If necessary to conduct a fact-finding survey under paragraph (1), the Minister of Science, ICT and Future Planning may request any relevant enterprise, educational or research institute dealing with radiation, etc., or any other corporation or organization to submit materials or to present its opinions. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Any enterprise, any educational or research institute, or any other corporation or organization shall, upon receiving a request for submission of materials or presentation of opinions pursuant to paragraph (2), shall comply with the request, unless there exist exceptional grounds.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

CHAPTER III-2 KOREA INSTITUTE OF RADIOLOGICAL AND MEDICAL SCIENCES

Article 13-2 (Establishment of Korea Institute of Radiological and Medical Sciences)

(1) The Korea Institute of Radiological and Medical Sciences (hereinafter referred to as the "Institute of Medical Sciences") shall be established for efficient promotion of the medical use of radiation, etc., and research and development thereof.

(2) The Institute of Medical Sciences shall be a corporation.

(3) The Institute of Medical Sciences shall be deemed to be duly formed upon completion of the incorporation registration with the authorities having jurisdiction over its principal place of business.

(4) Modification of the articles of incorporation of the Institute of Medical Sciences shall require authorization from the Minister of Science, ICT and Future Planning. <Amended by Act No. 11690, Mar. 23, 2013>

(5) The Institute of Medical Sciences shall have 13 or less directors, including one Chairperson and one President as well as one auditor, as its members of the board of directors. The members shall be appointed by the board of directors, as stipulated by the articles of incorporation after obtaining approval of the Minister of Science, ICT and Future Planning. <Amended by Act No. 11690, Mar. 23, 2013>

(6) The Institute of Medical Sciences shall have Board of Directors for deliberation and resolution on important matters of the Institute of Medical Sciences.

(7) The President shall represent the Institute of Medical Sciences, exercise overall control over its affairs, and direct and supervise its employees.

(8) The Government may, within budgetary limits, partially cover expenses incurred in establishing and operating the Institute of Medical Sciences.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 13-3 (Business of Institute of Medical Sciences)

The Institute of Medical Sciences shall undertake the following business:

1. Medical use of radiation, etc.;
2. Research on radiology and the development of technology therefor;
3. Policy research on radiology;
4. Production and distribution of, and research on, radioisotopes;
5. National emergency radiological and medical treatment and education, research and development related thereto;
6. Dissemination of outcomes of business under subparagraphs 1 through 5;
7. Fostering experts in research on radiology;
8. Domestic and international cooperation on research and development of radiology;
9. Medical aid to the neighborhood of nuclear facilities;
10. Other business necessary for achieving the objectives of the Institute of Medical Sciences, such as cancer hospitals.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

CHAPTER IV FOSTERING OF ASSOCIATION AND COOPERATIVE RELATED TO RADIATION, ETC.

Article 14 (Establishment, etc. of Association)

(1) Any of the following persons (hereinafter referred to as "users of radiation, etc.") may establish an association in order to facilitate the use of radiation, etc. and to help promote the relevant industries and technologies, after obtaining authorization from the Minister of Science, ICT and Future Planning:
<Amended by Act No. 10911, Jul. 25, 2011; Act No. 11690, Mar. 23, 2013>

1. Persons licensed to produce, sell, use, or use any radioisotope- or radiation-generating device while on the move under Article 53 (1) of the Nuclear Safety Act;
2. Persons who reported using or using while on the move sealed radioisotopes or a radioactive ray generator under Article 53 (2) of the Nuclear Safety Act;
3. Agents under Article 54 (1) of the Nuclear Safety Act;
4. Persons approved to manufacture or import radiation equipment under Article 60 (1) of the Nuclear Safety Act.

(2) The Association shall undertake the following operations:

1. Surveys on the current status of users of radiation, etc. and statistics thereof;
2. Research on, and improvement of, systems for promoting technological development related to radiation, etc.;

3. Education, training, and guidance for improvement of skills related to radiation, etc. required for technical professionals;
4. Collection, analysis, and supply of technical information related to radiation, etc.;
5. Establishment and operation of common-use facilities for users of radiation, etc.;
6. Research on, and improvement of, operations related to radiation, etc.;
7. Assistance to users of radiation, etc. for overseas markets penetration;
8. Operations entrusted by the Government, local governments, etc.;
9. Operations specified in the articles of incorporation as incidental to the operations under subparagraphs 1 through 7.

(3) The Association may engage in any profit-making business in order to achieve the objectives of its establishment under paragraph (1).

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 15 (Establishment, etc. of Mutual Aid Cooperative)

(1) Users of radiation, etc. may establish a mutual aid cooperative (hereinafter referred to as "Cooperative"), after obtaining authorization from the Minister of Science, ICT and Future Planning, in order to provide loans to help fund independent business activities, to improve welfare of members of the Cooperative, and to fund losses incurred as a result of accidents or business activities. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where the Minister of Science, ICT and Future Planning intends to grant authorization for the establishment of Cooperative pursuant to paragraph (1), he/she shall, in advance, consult with the Financial Services Commission about the need to grant authorization for the Cooperative, including whether it is difficult for any insurance business operator under subparagraph 6 of Article 2 of the Insurance Business Act to undertake the Cooperative's business. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The Cooperative shall undertake the followings:

1. Guarantees and loans necessary for the members to undertake business activities;
2. Mutual aid services to prevent members of the Cooperative from going bankrupt and to improve welfare of their employees;
3. Exemption from liability borne by its members for damage arising from contamination by radiation, etc. and deuction of expenses incurred in removing such contamination;
4. Arrangement of equipment and materials for its members and the establishment and operation of common-use facilities;
5. Investment in relevant projects necessary for achieving the objectives of the Cooperative;
6. Operations entrusted by the Government, local governments, and others.
7. Operations specified in the articles of incorporation as incidental to the business under subparagraphs 1 through 5.

(4) The Cooperative may, if necessary for carrying out business under paragraph (3), borrow necessary funds from a financial institution.

(5) Matters concerning contributions by the Cooperative, entities eligible for guarantee, guarantee fees, interest on loans, and other matters necessary for operation of the Cooperative shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 16 (Mutual Aid Regulations)

(1) Where the Cooperative intends to carry out mutual aid services under Article 15 (3) 1 through 3, it shall establish mutual aid regulations.

(2) The mutual aid regulations under paragraph (1) shall include the scope of mutual aid services, the terms and conditions of a mutual aid agreement, mutual aid premiums, mutual aid claims, liability reserves for covering mutual aid claims, and other provisions necessary for operation of the mutual aid service.

(3) Establishment or modification of the mutual aid regulations under paragraph (1) shall require authorization from the Minister of Science, ICT and Future Planning, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Where the Minister of Science, ICT and Future Planning authorizes mutual aid regulations under paragraph (3), he/she shall, in advance, consult with the Financial Services Commission. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 17 (Legal Personality)

Both the Association and the Cooperative shall be juristic persons.

Article 18 (Modification of Articles of Incorporation)

Modification of the articles of incorporation of the Association or the Cooperative shall require authorization from the Minister of Science, ICT and Future Planning, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 19 (Reporting and Inspections, etc.)

(1) Where deemed necessary for the management and supervision of the Association or Cooperative, the Minister of Science, ICT and Future Planning may require it to report its business. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where the Minister of Science, ICT and Future Planning deems that the business or accounting of the Association or Cooperative violates any Act and subordinate statute or the articles of incorporation, he/she may assign public officials working under his/her control to inspect relevant documents, account books, and other materials. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Where the Minister of Science, ICT and Future Planning deems that the accounting practices of the Cooperative violates any Act and subordinate statute or the articles of incorporation, he/she may request the Financial Services Commission to perform an accounting audit. In such cases, the Financial Services Commission shall assign employees working under its control or the Governor of the Financial Supervisory Service under the Act on the Establishment, etc. of Financial Services Commission to conduct an inspection, unless there are special circumstances, and notify the Minister of Science, ICT and Future Planning of the results thereof. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Any person who conducts an inspection pursuant to paragraphs (2) and (3) shall carry proof indicating his/her authority and present it to the relevant persons.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 20 (Administrative Measures)

(1) When the business or accounting practices of the Association or Cooperative violates any Act and subordinate statute or the articles of incorporation, the Minister of Science, ICT and Future Planning may issue a corrective action order. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Association or Cooperative shall, upon receiving an order to take a corrective measure pursuant to paragraph (1), take the corrective measure within one month from the date on which it receives such an order set forth in paragraph (2) and report the results thereof to the Minister of Science, ICT and Future Planning. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 21 (Application Mutatis Mutandis of other Acts)

(1) Except as otherwise provided in this Act, the provisions governing incorporated foundations of the Civil Act shall apply mutatis mutandis to the Institute of Medical Sciences.

(2) Except as otherwise provided in this Act, the provisions governing incorporated associations of the Civil Act shall apply mutatis mutandis to the Association.

(3) Except as otherwise provided in this Act, the provisions governing incorporated associations of the Civil Act and the accounting of stock companies of the Commercial Act shall apply mutatis mutandis to the Association.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 22 (Entrustment of Affairs)

The Minister of Science, ICT and Future Planning may entrust part of the affairs under this Act to the Institute of Medical Sciences, the Association, or the Cooperative, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

Article 23 (Legal Fiction of Public Officials in Application of Penal Provisions)

The executives and employees of the Institute of Medical Sciences, the Association, or the Cooperative that conduct their affairs as entrusted pursuant to Article 22 shall be deemed public officials for the purposes of applying Articles 127 and 129 through 132 of the Criminal Act.

[This Article Wholly Amended by Act No. 10774, Jun. 7, 2011]

ADDENDUM

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

ADDENDA<Act No. 8078, Dec. 26, 2006>

Article 1 (Enforcement Date)

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

Article 2 (Preparation for Incorporation of Institute of Medical Sciences)

- (1) The Minister of Education, Science and Technology shall commission not more than five incorporators or less within 30 days from the promulgation date of this Act to take charge of administrative affairs related to the establishment of the Institute of Medical Sciences.
- (2) The incorporators shall prepare the articles of incorporation of the Institute of Medical Sciences and obtain authorization of the Minister of Education, Science and Technology therefor.
- (3) The President of the Institute of Medical Sciences at the time of its incorporation shall be appointed by the Minister of Science and Technology.
- (4) The incorporators shall, upon receipt of authorization under paragraph (2), complete the registration of the incorporation of the Institute of Medical Sciences with joint signatures affixed thereon and transfer administrative affairs to the President of the Institute of Medical Sciences.
- (5) The incorporator shall be deemed dismissed from office upon completion of the transfer of administrative affairs under paragraph (4).

Article 3 (Succession to Rights and Obligations)

- (1) The Institute of Medical Sciences shall succeed to the property, rights and obligations that the board of directors of the Korean Atomic Energy Research Institute under the Korean Atomic Energy Research Institute Act resolves to convey or transfer, out of the property, rights, and obligations of the Korean Atomic Energy Research Institute at the time this Act enters into force, upon completion of the registration of incorporation of the Institute of Medical Sciences.
- (2) The title of the Korean Atomic Energy Research Institute stated in the registers of the property, rights, and obligations conveyed or transferred pursuant to paragraph (1) shall be deemed the title of the Institute of Medical Sciences.
- (3) The value of the property to which the Institute of Medical Sciences shall succeed pursuant to paragraph (1) shall be the book value as on the day immediately before the registration date of the incorporation of the Institute of Medical Sciences.

Article 4 (Status of Employees)

The employees of the pre-existing Institute of Radiological and Medical Sciences within the Korean Atomic Energy Research Institute under the Korean Atomic Energy Research Institute Act in force at the time it was established shall be deemed appointed as employees of the Institute of Medical Sciences at the time the Institute of Medical Sciences is incorporated.

Article 5 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA<Act No. 8863, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDUM<Act No. 10774, Jun. 7, 2011>

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

ADDENDA<Act No. 10909, Jul. 25, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force three months from the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA<Act No. 10911, Jul. 25, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force three months from the date of its promulgation.

Articles 2 through 5 Omitted.

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

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

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