

FOREIGN TRADE ACT

☒ Act No. 13838, Jan. 27, 2016

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the growth of the national economy by promoting foreign trade, establishing a fair trade system, maintaining international balance of payments, and expanding commerce.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 12285, Jan. 21, 2014>

1. The term "trade" means the exportation and importation of those falling under any of the following items (hereinafter referred to as "goods, etc."):
 - (a) Goods;
 - (b) Services prescribed by Presidential Decree;
 - (c) Intangible goods in an electronic form prescribed by Presidential Decree;
2. The term "goods" means movables, which exclude those of the following items:
 - (a) Means of payment as defined in the [Foreign Exchange Transactions Act](#);
 - (b) Securities as defined in the [Foreign Exchange Transactions Act](#);
 - (c) Documents that embody any of the claims defined in the [Foreign Exchange Transactions Act](#);
3. The term "trader" means any person who wholly or partially delegates or conducts acts for the exportation and importation of goods, etc., such as a person who engages in exportation or importation, a person to whom a foreign importer or exporter delegates activities relating to exportation and importation, or a person who delegates activities relating to exportation and importation;
4. The term "export contract between governments" means an export contract that an agency exclusively responsible for export contracts between governments under [Article 32-3 \(1\)](#) concludes with a foreign government to export items, etc. (excluding defense materials, etc. under [Article 38 \(1\) 4 of the Defense Acquisition Program Act](#)) for value to the foreign government as a contracting party on behalf of, or jointly with, a domestic company, in accordance with a procedure prescribed by Presidential Decree, at the request of the foreign government.

Article 3 (Principle of Free and Fair Trade, etc.)

- (1) Foreign trade in the Republic of Korea shall be promoted on the basis of the principle of free and fair trade in compliance with the treaties on trade entered into and promulgated pursuant to the [Constitution of the Republic of Korea](#) and the generally accepted international laws and regulations.
- (2) When there are any provisions that place a restriction on trade in any treaty on trade signed and promulgated pursuant to this Act, any other Act, or the [Constitution of the Republic of Korea](#), or in any of the generally accepted international laws and regulations, the Government shall apply such restriction to the minimum extent necessary for achieving the intended purposes of such restriction.

Article 4 (Measures for Promotion of Trade)

- (1) The Minister of Trade, Industry and Energy may take measures for continuously increasing the exportation and importation of goods, etc., under conditions prescribed by Presidential Decree, if considered necessary for the promotion of trade. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Trade, Industry and Energy may give necessary support to a person who falls under any of the following subparagraphs, under conditions prescribed by Presidential Decree, if considered necessary for the promotion of trade under paragraph (1): <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
 1. A person who engages in a business of advisory services, guidance services, overseas advertising, exhibitions, training, arranging business talks, etc. for promoting trade;
 2. A person who has established and run a facility related to trade, including a trade exhibition center and a trade training center;
 3. A person who has established and run a platform for the scientific processing of the business affairs relating to trade.

Article 5 (Restrictions on Trade and other Special Measures)

When there occurs any event or cause set forth in any of the following subparagraphs, the Minister of Trade, Industry and Energy may place a restriction or ban on the exportation and importation of goods, etc., under conditions prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>

1. When there occurs a war, commotion, or natural disaster in the Republic of Korea or any trading partner country (hereinafter referred to as "trading partner country");
2. When any trading partner country fails to respect any right or interest of the Republic of Korea as provided in a treaty or any of the generally accepted international laws and regulations;
3. When any trading partner country imposes an unfair or discriminatory burden or restriction upon Korean trade;
4. When it is necessary to perform duties to maintain international peace and security under treaties on trade entered into and promulgated pursuant to the [Constitution of the Republic of Korea](#) and generally accepted international laws and regulations;
- 4- When trade with trading partner countries is hurt or likely to be hurt by drastic changes
2. in trading circumstances due to international cooperation for maintaining world peace and security;
5. When it is necessary for protecting and conserving life, health, and safety of people, and life and health of animals and plants as well as the environment and domestic resources.

Article 6 (Consultation, etc. concerning Statutes on Trade)

- (1) All matters concerning trade shall be governed by this Act.
- (2) The head of a relevant administrative agency who intends to enact or amend statutes, directive, public notice, etc. that place a restriction on the exportation or importation of goods, etc. (hereinafter referred to as "guidelines for exportation and importation") shall consult with the Minister of Trade, Industry and Energy in advance. In such cases, the Minister of Trade, Industry and Energy may request the head of the relevant administrative agency to adjust the guidelines for exportation and importation. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

CHAPTER II PROMOTION OF COMMERCE

**Article 7 (Establishment
of Policy for Promotion
of Commerce)** 

- (1) Each year the Minister of Trade, Industry and Energy shall establish a policy for the promotion of commerce for the following year to promote trade and commerce. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The policy for the promotion of commerce under paragraph (1) shall include the following matters: <Amended by Act No. 9630, Apr. 22, 2009>
 1. Basic direction of the policy for the promotion of commerce;
 2. Analysis and forecast of the circumstances of international commerce;
 3. Schemes for promotion of negotiations related to trade and commerce and for support of overseas expansion of corporations;
 4. Schemes for supporting the development of overseas markets, such as rendering advisory and guidance services, overseas advertising, exhibitions, arranging business talks, cultivating professional talents for the promotion of commerce;
 5. Schemes for collecting, analyzing, and making the best use of information about commerce;
 6. Measures to promote cooperation at home and abroad for smooth supply and demand of raw materials;
 7. Other matters prescribed by Presidential Decree.
- (3) The Minister of Trade, Industry and Energy may make inquiries about the commerce-related systems, practices, etc. of trading partner countries and difficulties that Korean companies face while conducting business abroad, in order to collect basic data for establishing the policy for the promotion of commerce pursuant to paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (4) The Minister of Trade, Industry and Energy may request Korean companies doing business abroad to provide him or her with data necessary for establishing the policy for the promotion of commerce under paragraph (1), and may provide them with support, where necessary. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (5) In establishing the policy for the promotion of commerce under paragraph (1), the Minister of Trade, Industry and Energy shall hear the opinions of the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor"), and shall notify the Mayor/Do Governor of the policy, once such policy for the promotion of commerce is established. The same shall also apply to any revision to the policy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>
- (6) The Mayor/Do Governor shall, upon receiving the notice of the policy for promotion of commerce pursuant to paragraph (5), establish and implement the regional policy for promotion of commerce appropriate for the region under his or her jurisdiction.
- (7) The Mayor/Do Governor shall notify the Minister of Trade, Industry and Energy of his or her regional policy for promotion of commerce, once such policy is established pursuant to paragraph (6). The same

shall also apply to any revisions to such policy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 8 (Support, etc. for Cooperative Activities by Private Sector)



- (1) The Minister of Trade, Industry and Energy may provide necessary support to an institution or organization related to trade or commerce, if such institution or organization promotes cooperative activities with the central government, a local government, an institution, or an organization of a trading partner country with regard to commerce, industry, technology, energy, etc., under conditions prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Trade, Industry and Energy may collect information from institutions and organizations related to trade and commerce systematically and analyze such information to furnish local governments and companies with such information as required, in order to help companies develop overseas markets. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>
- (3) The Minister of Trade, Industry and Energy may request the head of the relevant central administrative agency, Mayor/Do Governor, agency or organization engaged in trade, commerce and overseas expansion of corporations, to submit data and statistics, if necessary for collection, analysis and provision of information under paragraph (2). <Newly Inserted by Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>
- (4) The Minister of Trade, Industry and Energy shall establish a center for support of overseas expansion in the Korea Trade-Investment Promotion Agency under the [Korea Trade-Investment Promotion Agency Act](#), so as to carry out tasks comprehensively, including counseling, guidance, publicity, research related to overseas expansion of corporations and other support for overseas expansion of corporations. <Newly Inserted by Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>
- (5) Matters necessary for composition, operation, supervision, etc. of a center for support of overseas expansion under paragraph (4) shall be determined by Presidential Decree. <Newly Inserted by Act No. 9630, Apr. 22, 2009>

Article 8-2 (Designation of and Support for Specialized Trading Company)



- (1) The Minister of Trade, Industry and Energy may designate a trader as a specialized trading company and support such trader, taking into consideration the export performance, the proportion of export products produced by small and medium enterprises, and other factors, so as to explore new markets, develop new products, and expand exports by small and medium enterprises and middle standing enterprises.
- (2) Necessary matters concerning criteria and procedures for designation under paragraph (1), details of support, etc. shall be prescribed by Presidential Decree.
- (3) When a company designated as a specialized trading company under paragraph (1) fails to satisfy the criteria for designation under paragraph (2), the Minister of Trade, Industry and Energy may revoke the designation: Provided, That where the designation is made by fraud or other improper means, such designation shall be revoked.

[This Article Newly Inserted by Act No. 12285, Jan. 21, 2014]

Article 9 (Submission of Data for Implementation of Treaty concerning Trade)



- (1) The Minister of Trade, Industry and Energy may request the relevant public agencies, corporations, organizations, etc. to submit necessary data, under conditions prescribed by Presidential Decree, when it is needed to honor a treaty concerning trade, which the Republic of Korea has concluded. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) No person who has acquired data necessary for implementation of a treaty concerning trade under paragraph (1) in performing his or her duty, shall provide or divulge the corporate information, which is deemed to need confidentiality, such as the business secret of a corporation, from among the data he or she has acquired, to other persons, or use them for any other purpose, without consent of the provider of such information.

[This Article Wholly Amended by Act No. 9630, Apr. 22, 2009]

CHAPTER III EXPORTATION AND IMPORTATION

SECTION 1 General Provisions Applicable to Exportation and Importation

Article 10 (Principles of Exportation and Importation)



- (1) Subject to the purposes of this Act, the exportation and importation of goods, etc., the receipts and payments of the prices therefor shall be liberalized.
- (2) Every trader shall conduct transactions in good faith at his or her own risk to secure credibility in overseas markets and maintain the free trade system.

Article 11 (Restrictions, etc. on Exportation and Importation)



- (1) The Minister of Trade, Industry and Energy may restrict or ban exportation or importation of goods, etc. designated and publicly notified, as deemed necessary for the implementation, etc. of any of the following matters: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13838, Jan. 27, 2016>
1. Fulfilling the obligations under treaties signed and promulgated pursuant to the [Constitution of the Republic of Korea](#) and generally accepted international laws and regulations;
 2. Protecting biological resources;
 3. Promoting economic cooperation with trading partner countries;
 4. Seamless supply and demand of materials for national defense;
 5. Development of science and technology;
 6. Any other matters prescribed by Presidential Decree as necessary for trade and industrial policies.
- (2) Each person who intends to export or import any of the goods, etc. restricted from being exported or imported pursuant to paragraph (1) shall obtain approval from the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree: Provided, That the same shall not apply to exportation or importation of goods, etc. that require immediate handling and any other goods, etc. for simplifying the process of exportation or

importation which meet the criteria specified by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13838, Jan. 27, 2016>

- (3) The effective period of approval for exportation or importation under the main body of paragraph (2) (including cases deemed to have been granted approval for exportation under paragraph (8)) shall be one year: Provided, That the Minister of Trade, Industry and Energy may set a different effective period, as prescribed by Presidential Decree, in consideration of domestic price stabilization, adjustment of demand and supply, delivery conditions of goods, etc. and transaction nature. <Newly Inserted by Act No. 11958, Jul. 30, 2013>
- (4) The effective period of approval for exportation or importation under paragraph (3) may be extended within a period not exceeding one year after obtaining approval from the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree. <Newly Inserted by Act No. 11958, Jul. 30, 2013>
- (5) Any person who intends to revise any of the important matters specified by Presidential Decree among the matters approved pursuant to paragraph (2), shall obtain approval for such revision from the Minister of Trade, Industry and Energy, while any other minor modifications require reporting to the Minister of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>
- (6) The Minister of Trade, Industry and Energy may, if considered necessary, place limitations on the quantity, price, and specifications of goods, etc. subject to approval under paragraphs (1) and (2) by items, and on areas which such goods, etc. may be exported to and imported from. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (7) The Minister of Trade, Industry and Energy shall issue public notice, whenever placing any restriction, ban, or limitation, prescribing any matter concerning approval, setting and extending the effective period of approval or report, or establishing any procedure therefor pursuant to the provisions of paragraphs (1) through (6). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>
- (8) Any person who holds export permission or export approval issued pursuant to [Article 19](#) or [32](#) shall be deemed to have obtained approval for exportation under paragraph (2).

Article 12 **(Consolidated** **Public Notice)**



- (1) The head of the relevant administrative agency shall, when enacting or amending the guidelines for exportation and importation, submit the guidelines to the Minister of Trade, Industry and Energy so that public notice on such enactment or amendment can be issued pursuant to paragraph (2) before such guidelines come into effect. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Trade, Industry and Energy shall combine the guidelines for exportation and importation submitted pursuant to paragraph (1) to issue a consolidated public notice thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 13 **(Recognition of**



Specific Forms of Trade, etc.)

- (1) The Minister of Trade, Industry and Energy may recognize specific forms of exportation or importation of certain goods, etc. specified by Presidential Decree in order to facilitate exportation or importation of such goods, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Strategy and Finance shall, when prescribing a means of settlement of payments for trade pursuant to statutes governing transactions of foreign exchange, consult in advance with the Minister of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 14 (Confirmation of Goods, etc. Eligible for Exemption from Export or Import Approval)



The Minister of Trade, Industry and Energy shall confirm whether certain goods, etc. exported or imported without approval (referring only to goods, etc. falling under the main body of [Article 11](#) (2)) constitute any of the goods, etc. set forth in the proviso to [Article 11](#) (2). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 15 (Establishment of Platform for Scientific Processing of Trade Affairs)



- (1) The Minister of Trade, Industry and Energy shall make efforts to establish a platform for dealing with trade affairs scientifically, including the system of international trade statistics and the exchange system of electronic documents, in order to facilitate systematic and efficient exportation and importation of goods, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Trade, Industry and Energy may, if deemed necessary for establishing a platform for scientific handling of trade affairs pursuant to paragraph (1), request the heads of the relevant administrative agencies to furnish him or her with information about exportation and importation of goods, etc., including customs records, under conditions prescribed by Presidential Decree. In such cases, the heads of the relevant administrative agencies shall provide cooperation upon receiving such request. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>
- (3) The heads of the relevant administrative agencies may, if deemed necessary for the purposes of this Act, request the Minister of Trade, Industry and Energy to furnish them with information about exportation and importation of goods, etc. as compiled pursuant to paragraphs (1) and (2). In such cases, the Minister of Trade, Industry and Energy shall provide cooperation upon such request. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

SECTION 2 Importation and Purchase of Raw Materials and Equipment for Earning Foreign Currencies, etc.

Article 16 (Import Approval for Raw Materials and Equipment for Earning Foreign Currencies, etc.)



- (1) The Minister of Trade, Industry and Energy may not apply the provisions of [Article 11](#) (6) to goods, etc. imported for earning

foreign currencies including raw materials, machinery, and equipment (hereinafter referred to as "materials and equipment"): Provided, That the same shall not apply where it is necessary to promote the use of domestic raw materials and equipment. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>

- (2) The Minister of Trade, Industry and Energy may specify the scope, items, and quantity of the materials and equipment under paragraph (1) to issue a public notice thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (3) Every person who imports, or entrusts the importation of, any material or equipment under paragraph (1) shall earn foreign currencies equivalent to the value of the material or equipment imported: Provided, That the same shall not apply where the Minister of Trade, Industry and Energy has approved pursuant to [Article 17](#). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (4) The scope of foreign currencies earned pursuant to paragraph (3), the time period for fulfilling such obligation, the method of verification, and other necessary matters shall be prescribed by Presidential Decree.

Article 17 (Use, etc. of Materials or Equipment Imported for Earning Foreign Currencies for Any Purpose other than Originally Intended Purpose) 

- (1) A person who wishes to use any material or equipment imported pursuant to [Article 16](#) (1) or any goods, etc. manufactured with such material or equipment, for any purpose other than the originally intended purpose due to any inevitable reason shall obtain approval from the Minister of Trade, Industry and Energy for such use, under conditions prescribed by Presidential Decree: Provided, That the same shall not apply to the materials and equipment specified by Presidential Decree and the goods, etc. manufactured with such materials and equipment. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) When a person intends to transfer any material or equipment imported pursuant to [Article 16](#) (1), or any goods, etc. manufactured with such material or equipment, to another person who intends to use or export such material, equipment, goods, etc. for the originally intended purpose, both the intended transferor and the intended transferee shall obtain approval from the Minister of Trade, Industry and Energy for such transfer: Provided, That the same shall not apply to materials and equipment specified by Presidential Decree and the goods, etc. manufactured with any of such materials and equipment. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (3) As to the transferors of any of the materials or equipment under paragraph (2) or any goods, etc. manufactured with such materials or equipment, the provisions of [Article 16](#) (3) and (4) shall apply mutatis mutandis.

Article 18 (Issuance of Purchase Certificate, etc.) 

- (1) Upon receiving an application for certification that any material or equipment is purchased for earning foreign currencies from a person who intends to purchase any material or equipment for earning foreign currencies in order to benefit from the application of zero-rate tax under [Article 24 of the Value-Added Tax Act](#), the Minister of Trade, Industry and Energy may issue a document certifying the intended purpose of

such purchase (hereinafter referred to as "purchase certificate"). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11873, Jun. 7, 2013>

- (2) As regards the person to whom a purchase certificate is issued, the Minister of Trade, Industry and Energy shall perform follow-up management to trace whether the material or equipment has been purchased for the purpose of earning foreign currencies. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (3) Necessary matters concerning the procedures for application and issuance of the purchase certificates under paragraphs (1) and (2), and the follow-up management thereof shall be prescribed by Presidential Decree.

SECTION 3 Exportation and Importation of Strategic Items

Article 19 (Public Notice of Strategic Items, Export Permission therefor, etc.)



- (1) The Minister of Trade, Industry and Energy shall designate and publicly notify the goods, etc. (including technology determined by Presidential Decree; hereafter the same shall apply in this Section) on which restriction, such as export permission, is required for maintaining international peace and security as well as national security, in consultation with the head of the relevant administrative agency, in accordance with the principles of the international export control system prescribed by Presidential Decree (hereinafter referred to as "international export control system"). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>
- (2) Any person who intends to export (including cases prescribed by Presidential Decree where technology under paragraph (1) falls under any of the following subparagraphs; hereafter the same shall apply in [Article 19](#) (3) through (5), [Articles 20, 23, 24, 24-2, 24-3, 25, 28, 29, 31](#), and [47](#) through 49, and [Article 53](#) (1) and (2) 2 through 4) any of the goods, etc. designated and publicly notified pursuant to paragraph (1) (hereinafter referred to as "strategic item") shall obtain permission (hereinafter referred to as "export permission") from the Minister of Trade, Industry and Energy or the head of the relevant administrative agency, as prescribed by Presidential Decree: Provided, That the foregoing shall not apply to cases in which the category of strategic items includes defense materials and national defense science and technology that have been gained permission under [Article 57 \(2\) of the Defense Acquisition Program Act](#): <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>
 1. Transfer from Korea to a foreign country;
 2. Transfer from a national of the Republic of Korea (including a legal entity established pursuant to domestic laws) to a foreigner (including a legal entity established pursuant to foreign laws) in the Republic of Korea or a foreign country.
- (3) Any person who intends to export any goods, etc. that do not fall within the category of any strategic items but have high potential of being appropriated for manufacturing, developing, using, or storing weapons of mass destruction or missiles as carriers of such weapons (hereinafter referred to as "weapons of mass destruction, etc.") shall

obtain permission (hereinafter referred to as "situational permission") from the Minister of Trade, Industry and Energy or the head of the relevant administrative agency under conditions prescribed by Presidential Decree, if the person becomes aware that the importer or the end user of the goods, etc. has intent to appropriate the goods, etc. for manufacturing, developing, using, or storing weapons of mass destruction, etc., or suspects that there is probably such intent on grounds that the case of exportation falls under any of the following subparagraphs: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>

1. The importer evades furnishing necessary information concerning the end use of the goods, etc.;
 2. The goods, etc. to be exported have nothing to do with the field of business of the end user;
 3. There is a substantial disparity in technical level between the goods, etc. to be exported and those of the importing country;
 4. The end user has no career background of engaging in the field of business to which the goods, etc. are expected to be applied;
 5. The end user has no expertise regarding the goods, etc., but insists on the exportation of the goods, etc.;
 6. The end user declines any service for installing, maintaining, or training for the goods, etc.;
 7. The final consignee of the goods, etc. is a transporter;
 8. The terms and conditions on pricing or payment for the goods, etc. deviate from ordinary practices;
 9. The delivery term for the goods, etc. is deviant from ordinary terms;
 10. The transportation route for the goods, etc. deviates from ordinary routes;
 11. It is not clear whether the goods, etc. will be used within the importing country or will be re-exported abroad;
 12. A demand for keeping confidential the information about the goods, etc., the final destination, etc. exceeds ordinary standards;
 13. Any other case determined and publicly announced by the Minister of Trade, Industry and Energy or the head of the relevant administrative agency, as requiring situational permission due to any change in international situations, the momentary occurrence of a cause or an event that causes harm to national security, etc.
- (4) The Minister of Trade, Industry and Energy or the head of the relevant administrative agency may, upon receiving an application for export permission or situational permission, grant the export permission or situational permission in accordance with the guidelines prescribed by Presidential Decree for maintaining international peace and security, national security, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (5) The Minister of Trade, Industry and Energy or the head of the relevant administrative agency may exempt exporters from export permission or situational permission, in cases determined by Presidential Decree, including exports of public goods used for diplomatic

establishments abroad. <Newly Inserted by Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>

(6) Deleted. <by Act No. 11958, Jul. 30, 2013>

Article 20 (Determination of Strategic Items, etc.)

(1) Deleted. <by Act No. 9630, Apr. 22, 2009>

(2) Each trader of goods, etc. (including those who delegate all or part of the process of technology transfer referred to in [Article 19](#) (2) or those who engage in technology transfer; hereafter the same shall apply in [Articles 24-2](#) and [25](#)) may file an application for determination as to whether such goods, etc. to be exported are strategic items or items, etc. subject to situational permission under [Article 19](#) (3) 13, with the Minister of Trade, Industry and Energy or the head of the relevant administrative agency, as prescribed by Presidential Decree. In such cases, the Minister of Trade, Industry and Energy or the head of the relevant administrative agency may delegate or entrust such determination to the president of the Korea Strategic Trade Institute under [Article 29](#) or the relevant specialized institution determined by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>

(3) Deleted. <by Act No. 11958, Jul. 30, 2013>

Article 21 Deleted. <by Act No. 9630, Apr. 22, 2009>

Article 22 (Issuance of Certificates of Purpose of Importation)

Any person who desires to import a strategic item may file an application for issuance of a certificate verifying the purpose of importation, etc. with the Minister of Trade, Industry and Energy or the head of the relevant administrative agency, under conditions prescribed by Presidential Decree. In such cases, the Minister of Trade, Industry and Energy or the head of the relevant administrative agency may issue the certificate of purpose of importation after verifying whether the details of the application for certification are correct. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 23 (Order to Halt Transportation of Strategic Items, etc.)

(1) The Minister of Trade, Industry and Energy or the head of the relevant administrative agency may issue an order to halt transportation of strategic items, etc. until it has been verified that it is for lawful exportation, if necessary for preventing strategic items or goods, etc. subject to situational permission (hereinafter referred to as "strategic items, etc.") from being exported without permission or with permission obtained by fraud or other improper means (hereinafter referred to as "illegal exportation"). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>

(2) Notwithstanding paragraph (1), the Minister of Trade, Industry and Energy or the head of the relevant administrative agency may, at his or her discretion, halt transportation of strategic items, etc. until it has been verified that they are for lawful exportation, if urgently required to restrain such transportation in order to prevent illegal exportation of strategic items, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

- (3) Any person prescribed by Presidential Decree who intends to transit strategic items, etc. at a port or airport in the Republic of Korea or transship them within the territory of the Republic of Korea shall obtain permission therefor from the Minister of Trade, Industry and Energy or the head of the relevant administrative agency, under conditions prescribed by Presidential Decree. <Amended by Act No. 9630, Apr. 22, 2009; Act No. 10231, Apr. 5, 2010; Act No. 11690, Mar. 23, 2013>
- (4) Upon receipt of an application for permission for transit or transshipment of the relevant strategic items, etc. under paragraph (3), the Minister of Trade, Industry and Energy and the head of the relevant administrative agency may grant permission therefor in compliance with the guidelines prescribed by Presidential Decree, such as international peace, safety maintenance, and national security. <Newly Inserted by Act No. 13838, Jan. 27, 2016>
- (5) The Minister of Trade, Industry and Energy or the head of the relevant administrative agency may request another administrative agency to provide cooperation, if he or she is inadequate to take action to halt transportation forcibly by him or herself under paragraph (2) or to grant permission to transit strategic items, etc. at a port or airport in the Republic of Korea or transship such items, etc. under paragraph (3). In such cases, the administrative agency so requested shall provide cooperation to prevent illegal exportation of domestic or foreign strategic items, etc. between countries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>
- (6) The public official who takes action to halt transportation pursuant to paragraph (2) or (5) shall carry identification certifying his or her authority to produce it to persons concerned. <Amended by Act No. 9630, Apr. 22, 2009; Act No. 13838, Jan. 27, 2016>
- (7) The period for and the method of issuing an order or taking action to halt transportation pursuant to paragraphs (1), (2), and (5) shall be restricted to the minimum extent necessary for preventing illegal exportation of strategic items, etc. between countries. <Amended by Act No. 9630, Apr. 22, 2009; Act No. 13838, Jan. 27, 2016>

Article 24 (Brokerage of Strategic Items, etc.)

- (1) Any person who intends to engage in brokering transfer or sale of strategic items, etc. from a foreign country to another foreign country shall obtain permission therefor from the Minister of Trade, Industry and Energy or the head of the relevant administrative agency, as prescribed by Presidential Decree: Provided, That the same shall not apply to cases determined by Presidential Decree, including cases for which export permission for the transfer or sale of strategic items, etc. has been obtained from the exporting country in accordance with the principles of the international export control system. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>
- (2) The Minister of Trade, Industry and Energy or the head of the relevant administrative agency may, upon receiving an application for brokerage permission pursuant to the main body of paragraph (1), grant the brokerage permission in accordance with the guidelines prescribed by Presidential Decree for maintaining international peace and security as well as national security, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 24-2 (Storage of Documents)

Traders shall store the following documents for five years:

1. Documents regarding determination, where they apply for the determination under [Article 20](#) (2);
2. Documents regarding export permission, situational permission, transit or transshipment permission under [Article 23](#) (3) or brokerage permission under [Article 24](#), where they engage in exportation, transit, transshipment and brokerage of strategic items, etc.;
3. Other documents determined and publicly announced by the Minister of Trade, Industry and Energy or the head of the relevant administrative agency.

[This Article Newly Inserted by Act No. 11958, Jul. 30, 2013]

Article 24-3 (Revocation of Export Permission, etc.)

After granting export permission or situational permission, transit or transshipment permission under [Article 23](#) (3) or brokerage permission under [Article 24](#), the Minister of Trade, Industry and Energy or the head of the relevant administrative agency may revoke permission concerned in any of the following cases:

1. Where it is found that permission is obtained by fraud or improper means;
2. Where changes arise in international situations, including security-related incidents between countries, such as war and terrorism, and concerns on movement and diffusion of weapons of mass destruction.

[This Article Newly Inserted by Act No. 11958, Jul. 30, 2013]

Article 25 (Self-Compliance Traders)

- (1) The Minister of Trade, Industry and Energy may designate traders who have abilities prescribed by Presidential Decree, including an ability to identify strategic items and an ability to analyze the identification of importers and end users, as self-compliance traders, in order to improve the self-controlling ability of enterprises or colleges and research institutes prescribed by Presidential Decree to manage strategic items. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>
- (2) The Minister of Trade, Industry and Energy may allow traders designated as self-compliance traders pursuant to paragraph (1) (hereafter referred to as "self-compliance traders" in this Article) to manage part of the affairs pertaining to export control over strategic items, under conditions prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (3) Self-compliance traders shall submit a report on the performance of exportation of strategic items, etc. under their self-controlling management pursuant to paragraph (2) to the Minister of Trade, Industry and Energy, under conditions prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (4) The Minister of Trade, Industry and Energy may revoke the designation of a self-compliance trader in any of the following cases: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>
 1. If it has failed to maintain the abilities prescribed by Presidential Decree pursuant to paragraph (1);
 2. If it has exported strategic items without export permission under [Article 19](#) (2) intentionally or by gross negligence;
 3. If it has exported any goods, etc. subject to situational permission without situational permission under [Article 19](#) (3) intentionally or by gross negligence;

4. If it has failed to perform its duty to store documents under [Article 24-2](#) intentionally or by gross negligence;
5. If it has acted as a broker for the transactions of any strategic item without brokerage permission under [Article 24](#) intentionally or by gross negligence;
6. If it has failed to perform its duty to report under paragraph (3).
7. Deleted; <by Act No. 9630, Apr. 22, 2009>

Article 26 (Public Notice, etc. of Exportation and Importation of Strategic Items) 

- (1) The Minister of Trade, Industry and Energy shall publicly notify the guidelines related to [Articles 19, 20, 22](#) through 24, [24-2, 24-3](#), and [25](#), in consultation with the heads of the relevant administrative agencies. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013; Act No. 13838, Jan. 27, 2016>
- (2) The Commissioner of the Korea Customs Service shall publicly notify matters concerning customs clearance for exportation and importation of strategic items, etc. <Newly Inserted by Act No. 13838, Jan. 27, 2016>

Article 27 (Duty Not to Disclose Confidential Information) 

Public officials involved in the affairs pertaining to the control of exportation and importation of strategic items under this Act, executive officers and employees of the Korea Strategic Trade Institute under [Article 29](#), and people involved in the affairs of determination under [Article 29](#) (5) 1 shall not disclose a company's trade secrets known to them in the course of performing the affairs pertaining to the control of exportation and importation of strategic items without consent of the company. <Amended by Act No. 9630, Apr. 22, 2009>

Article 28 (Establishment and Operation of Information Systems for Management of Exportation and Importation of Strategic Items)

- (1)

The Minister of Trade, Industry and Energy may build up and operate an information system for management of exportation and importation of strategic items jointly with the heads of the relevant administrative agencies and the Korea Strategic Trade Institute under [Article 29](#) in order to perform the following affairs: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>

 1. Affairs pertaining to the export permission, the situational permission, the determination under [Article 20](#) (2), the issuance of the certificates of purpose of importation under [Article 22](#), etc.;
 2. Affairs pertaining to collection, analysis, and management of information necessary for the control of exportation and importation of strategic items.
- (2)

Necessary matters concerning the establishment and operation of the information system for management of exportation and importation of strategic items under paragraph (1) shall be prescribed by Presidential Decree.

Article 29 (Establishment, etc. of Korea Strategic Trade Institute) 

- (1) The Korea Strategic Trade Institute shall be established in order to efficiently support the affairs pertaining to exportation and importation of strategic items and the affairs pertaining to management thereof.
- (2) The Korea Strategic Trade Institute shall be a legal entity.
- (3) The Korea Strategic Trade Institute shall have executive officers and employees under conditions prescribed by its articles of incorporation.
- (4) The Korea Strategic Trade Institute shall be established as at the time when it registers such establishment at the location of its main office.
- (5) The Korea Strategic Trade Institute shall perform the following affairs in compliance with the Government's policy on management of strategic items: <Amended by Act No. 9630, Apr. 22, 2009; Act No. 11958, Jul. 30, 2013>
 1. Affairs pertaining to determination under the latter part of [Article 20](#) (2);
 2. Affairs pertaining to operation of the information system for management of exportation and importation of strategic items under [Article 28](#) (1);
 3. Affairs pertaining to education and training of exporters and importers of strategic items;
 - 3- Assistance affairs including the provision of information for the implementation of
 2. measures under subparagraphs 4 and 4-2 of [Article 5](#);
 4. Other affairs prescribed by Presidential Decree.
- (6) The president of the Korea Strategic Trade Institute may collect certain fees from a user of the Institute in connection with the affairs set forth in the subparagraphs of paragraph (5), subject to approval from the Minister of Trade, Industry and Energy. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (7) As to the Korea Strategic Trade Institute, the provisions of the [Civil Act](#) governing the incorporated foundations shall apply mutatis mutandis, except as provided for otherwise in this Act.
- (8) The Government may contribute or subsidize the expenses required for the establishment and management of the Korea Strategic Trade Institute within the extent of its budget.

Article 30 (Council for Control of Exportation and Importation of Strategic Items)



- (1) The Minister of Trade, Industry and Energy and the heads of the relevant administrative agencies may jointly organize the Council for the Control of Exportation and Importation of Strategic Items (hereafter referred to as the "Council" in this Article) for consultations between ministries and agencies in relation to the control of exportation and importation of strategic items, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13838, Jan. 27, 2016>
- (2) Each meeting of the Council shall be presided by the head of the administrative agency accountable for each matter on the items of the agenda to be discussed.
- (3) The head of each administrative agency who is a member of the Council may request the head of an intelligence investigative agency specified by Presidential Decree or the Commissioner of the Korea Customs Service to conduct an investigation or render assistance, if necessary to control exportation and importation of strategic items, etc. <Amended by Act No. 11958, Jul. 30, 2013; Act No. 13838, Jan. 27, 2016>

- (4) Where the head of the intelligence investigative agency specified by Presidential Decree or the Commissioner of the Korea Customs Service referred to in paragraph (3) recognizes any illegal exportation of strategic items, etc., he or she may take necessary measures, such as notifying the head of each administrative agency of the Council of such fact. <Newly Inserted by Act No. 13838, Jan. 27, 2016>
- (5) Necessary matters concerning the organization and management of the Council shall be prescribed by Presidential Decree.

Article 31 (Restrictions, etc. on Exportation and Importation of Strategic Items, etc.)



- (1) The Minister of Trade, Industry and Energy or the head of the relevant administrative agency may place a restriction on exportation or importation of strategic items, etc., in part or in whole, against a person who falls under any of the following subparagraphs for a certain period of time, which shall not exceed three years: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>
1. A person who has exported any strategic item without export permission under [Article 19](#) (2);
 2. A person who has exported any goods, etc. subject to situational permission under [Article 19](#) (3) without such situational permission;
 3. A person prescribed by Presidential Decree who has violated any of the principles of the international export control system governing the exportation or importation of strategic items, etc.
- (2) The head of the relevant administrative agency shall, if he or she discovers a person who falls under any subparagraph of paragraph (1), notify the Minister of Trade, Industry and Energy of his or her discovery immediately. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (3) The Minister of Trade, Industry and Energy or the head of the relevant administrative agency may publicly notify the list of people against whom a restriction of exportation and importation of strategic items, etc. has been placed pursuant to paragraph (1) and people against whom any foreign government has placed a restriction on exportation and importation of strategic items, etc. pursuant to its laws and regulations, and the details of such restriction. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>

SECTION 4 Exportation of Plants

Article 32 (Facilitation, etc. of Exportation of Plants)



- (1) Upon receiving an application for exportation of plants (hereinafter referred to as "exportation of plants"), the Minister of Trade, Industry and Energy may grant approval for exportation thereof, if the intended exportation falls under any of the following subparagraphs, as prescribed by Presidential Decree. The same shall also apply to any revision to such approval: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10231, Apr. 5, 2010; Act No. 11690, Mar. 23, 2013>

1. Exportation of an industrial plant in a scale equivalent to or larger than the scale prescribed by the Minister of Trade, Industry and Energy among the machinery, equipment and devices to be installed for management of the business of agriculture, forestry, fishery, mining, manufacturing, electricity, gas, water supply, transportation, warehousing, broadcasting, and telecommunications service and the facilities prescribed by Presidential Decree;
2. Exportation of a comprehensive package of an industrial plant, technical services and construction works (hereinafter referred to as "exportation on a turnkey basis").
- (2) The Minister of Trade, Industry and Energy shall consider the opinions of the heads of the relevant administrative agencies concerning the feasibility of the exportation of plants, if necessary for granting approval or revised approval pursuant to paragraph (1). In such cases, the heads of the relevant administrative agencies shall, upon receiving a request to present their opinions, present their opinions to the Minister of Trade, Industry and Energy without delay, without good cause. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10231, Apr. 5, 2010; Act No. 11690, Mar. 23, 2013>
- (3) When the Minister of Trade, Industry and Energy intends to grant approval for exportation on a turn-key basis or approval for any alteration thereto, he or she shall first obtain the consent of the Minister of Land, Infrastructure and Transport. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10231, Apr. 5, 2010; Act No. 11690, Mar. 23, 2013>
- (4) With regard to exportation of the services of construction and installation on a turn-key basis, the Minister of Trade, Industry and Energy may grant approval or approval for any alteration only to overseas construction companies under the [Overseas Construction Promotion Act](#). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13838, Jan. 27, 2016>
- (5) When the Minister of Trade, Industry and Energy grants approval for exportation of plants or approval for alteration thereto pursuant to paragraph (1), he or she shall without delay notify the heads of the relevant administrative agencies thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10231, Apr. 5, 2010; Act No. 11690, Mar. 23, 2013>
- (6) In order to facilitate the exportation of plants, the Minister of Trade, Industry and Energy may carry out improvement of related systems, market surveys, information exchange, contract support, maintenance of order in contracting, fostering of expert human resources, financial support, promotion of exemplary enterprises, and collaborative projects. In such cases, the Minister of Trade, Industry and Energy may designate an institution or organization related to the exportation of plants to carry out aforesaid projects. <Amended by Act No. 10231, Apr. 5, 2010; Act No. 11690, Mar. 23, 2013>

SECTION 5 Export Contracts Between Governments

Article 32-2 (Guarantees and Principles of Export Contracts between Governments)



- (1) The Government may require a guarantee and insurance institution prescribed by Presidential Decree to provide guarantee services for the implementation, etc. of export contracts between a domestic company and a foreign government, in order to facilitate export contracts between governments concluded by a domestic company.
- (2) The Government shall neither gain any profit nor bear economic responsibilities or losses including guaranty debt, with respect to export contracts between governments.

[This Article Newly Inserted by Act No. 12285, Jan. 21, 2014]

Article 32-3 (Agency Exclusively Responsible for Export Contracts between Governments) 

- (1) "Agency exclusively responsible for export contracts between governments" defined in subparagraph 4 of [Article 2](#) means the Korea Trade-Investment Promotion Agency established under the [Korea Trade-Investment Promotion Agency Act](#) (hereinafter referred to as "agency vested with exclusive responsibility").
- (2) The agency vested with exclusive responsibility shall conduct the following affairs with respect to export contracts between governments:
 1. Acting as a contracting party in an export contract between governments;
 2. Recommendation of a domestic company to fulfill purchase requirements stated by a foreign government;
 3. Other affairs deemed necessary by the Minister of Trade, Industry and Energy for conducting affairs regarding export contracts between governments.
- (3) The authority and responsibilities of the agency vested with exclusive responsibility shall be as follows:
 1. Upon conclusion of an export contract between governments, the agency vested with exclusive responsibility shall require a domestic company to take measures to guarantee the implementation of a contract as prescribed by Presidential Decree, including the provision of guarantee and insurance;
 2. If deemed necessary for checking how a domestic company implements a contract, the agency vested with exclusive responsibility may request a domestic company to submit relative materials;
 3. Other authority and responsibilities of the agency vested with exclusive responsibility shall be prescribed by Presidential Decree.
- (4) If deemed necessary for performing affairs related to export contracts between governments, the head of the agency vested with exclusive responsibility may request the relevant administrative agencies or organizations to dispatch their public officials or executive officers and employees: Provided, That he or she shall, in advance, consult with the competent Minister, when requesting the dispatch of public officials.

[This Article Newly Inserted by Act No. 12285, Jan. 21, 2014]

Article 32-4 (Deliberative Committee on Export Contracts between Governments) 

- (1) A deliberative committee on export contracts between governments (hereafter referred to as the "Committee" in this Section) shall be established under the agency vested with exclusive responsibility so as to deliberate and decide on matters prescribed by Presidential Decree, such as conclusion, modification, and cancellation of export contracts.

- (2) The Committee shall be comprised of not less than 7 members and not more than 15 members, including one Chairperson, and the President of the Korea Trade-Investment Promotion Agency shall serve as the Chairperson.
- (3) Necessary matters for the composition and operation of the Committee shall be prescribed by Presidential Decree.
- (4) If deemed necessary for deliberation under paragraph (1), the Committee may request any domestic companies, relevant institutions, etc. to submit materials, etc.
- (5) In the following cases, the Committee may choose not to make public relevant documents, such as minutes and contracts:
 1. Matters, if made public, deemed likely to significantly hamper the conclusion, implementation, modification, cancellation, etc. of export contracts between governments or to gravely hurt the fair deliberation made by the Committee;
 2. Other matters that are determined, by the Committee, inappropriate to make public for reasons similar to those referred to in subparagraph 1.

[This Article Newly Inserted by Act No. 12285, Jan. 21, 2014]

Article 32-5 (Responsibilities, etc.  of Domestic Companies)

- (1) Upon conclusion of an export contract between governments, a domestic company shall implement the details of contract faithfully.
- (2) A domestic company shall take measures to guarantee the implementation of a contract, as prescribed by Presidential Decree, such as the provision of guarantee and insurance.
- (3) If requested to submit materials under [Article 32-3](#) (3) 2 or [Article 32-4](#) (4), a domestic company shall comply with the request unless there exist extenuating circumstances.
- (4) Where a domestic company violates paragraph (2) or (3), the agency vested with the exclusive responsibility may notify a foreign government thereof, and the Committee may refuse to deliberate on an export contract between governments of the relevant company.

[This Article Newly Inserted by Act No. 12285, Jan. 21, 2014]

CHAPTER III-2 MARKING OF ORIGIN, ETC.

Article 33 (Marking of Origin of Exported or Imported Goods, etc.) 

- (1) A person who intends to export or import any of the goods, etc. subject to marking of origin by public announcement of the Minister of Trade, Industry and Energy (hereinafter referred to as "goods subject to marking of origin") in order to establish a fair trade system and protect producers and consumers shall mark the origin of such goods, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10231, Apr. 5, 2010; Act No. 11690, Mar. 23, 2013>
- (2) A person who damages or modifies the marks of origin of imported goods subject to marking of origin by conducting simple processing prescribed by Presidential Decree (excluding cases where paragraph (4) is applied to a trader or distributor of goods, etc.) shall mark the initial origin on such goods, etc. produced after simple processing. In such cases, if other statutes provide for different standards from the aforesaid ones with

respect to imported goods, etc. produced after simple processing, such standards shall govern. <Newly Inserted by Act No. 10231, Apr. 5, 2010>

- (3) The methods of marking and verification of origin under paragraph (1) and the former part of paragraph (2), and other matters necessary for marking shall be prescribed by Presidential Decree. <Amended by Act No. 10231, Apr. 5, 2010>
- (4) No trader or distributor of goods, etc. shall commit any of the following acts: Provided, That subparagraph 3 shall apply only to traders: <Amended by Act No. 10231, Apr. 5, 2010; Act No. 11958, Jul. 30, 2013>
 1. Marking a false origin or labelling any misleading mark of origin;
 2. Damaging or modifying a mark of origin;
 3. Omitting to indicate the origin of the goods which shall bear an indication of origin;
 4. Trading in the Republic of Korea the goods subject to marking of origin which fall under the violations referred to in subparagraphs 1 through 3.
- (5) The Minister of Trade, Industry and Energy or the Mayor/Do Governor may inspect the imported goods, etc. and related documents specified by Presidential Decree, if he or she deems it necessary to ascertain whether any provisions of paragraphs (1) through (4) are violated. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10231, Apr. 5, 2010; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>
- (6) through (8) Deleted. <by Act No. 11958, Jul. 30, 2013>

Article 33-2 (Corrective Orders, etc. for Violations of Obligation to Mark Origin)

- (1) The Minister of Trade, Industry and Energy or the Mayor/Do Governor may issue a corrective order, including suspension of sale, recovery to the original state, and marking of origin, to those who violate the provisions of paragraphs (2) through (4) of [Article 33](#).
- (2) The Minister of Trade, Industry and Energy or the Mayor/Do Governor may impose a penalty surcharge not exceeding 300 million won on those who violate the provisions of paragraphs (2) through (4) of [Article 33](#) (excluding [Article 33](#) (4) 4).
- (3) The type of a violation for which a penalty surcharge is imposed under paragraph (2), the amount of a penalty surcharge representing the gravity of the violation, and other necessary matters shall be prescribed by Presidential Decree.
- (4) If any person who is liable for a penalty surcharge under paragraph (2) fails to pay by a due date for payment, the Minister of Trade, Industry and Energy or the Mayor/Do Governor shall collect such penalty surcharge in the same manner as delinquent national or local taxes are collected.
- (5) Concerning a person for whom the imposition of a penalty surcharge under paragraph (2) is determined final and conclusive, the Minister of Trade, Industry and Energy or the Mayor/Do Governor may make public matters with respect to the disposition, including the identification of the offender, his or her whereabouts, names of the goods, etc., items, and details of the violation, as prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 11958, Jul. 30, 2013]

Article 34 (Assessment of Origin, etc.)



- (1) The Minister of Trade, Industry and Energy may assess the origin of exported or imported goods, etc., if considered necessary. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) Standards for the assessment of origin shall be prescribed and publicly announced by the Minister of Trade, Industry and Energy, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (3) Any trader, distributor of goods, etc., or any other related person may request the Minister of Trade, Industry and Energy to assess the origin of exported or imported goods, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (4) The Minister of Trade, Industry and Energy shall, upon receiving a request under paragraph (3), assess the origin of the relevant goods, etc., and notify the requesting person of the results thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (5) If a person who has received notification under paragraph (4) is dissatisfied with the assessment of origin, he or she may raise an objection against the Minister of Trade, Industry and Energy within 30 days after the date of notification. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (6) The Minister of Trade, Industry and Energy shall, upon receiving an objection under paragraph (5), issue a notice of his or her ruling on the objection raised within 150 days after the objection is filed with him or her. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (7) Necessary matters concerning procedures for the assessment of origin, including the request for assessment of origin and the raising of an objection, shall be prescribed by Presidential Decree.

Article 35 (Criteria for Assessment of Origin of Goods, etc. Manufactured in the Republic of Korea by Using Imported Materials) 

- (1) If it is deemed necessary to establish a fair trade system and protect producers and consumers, the Minister of Trade, Industry and Energy may establish criteria for the assessment of origin of goods, etc. manufactured using imported materials and distributed and sold in the Republic of Korea (hereafter referred to as "goods, etc. manufactured in the Republic of Korea" in this Article), subject to prior consultation with the heads of the relevant central administrative agencies: Provided, That the same shall not apply where any other statutes provide for criterion for goods, etc. manufactured in the Republic of Korea. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10231, Apr. 5, 2010; Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Trade, Industry and Energy shall publicly announce the criteria for the assessment of origin of goods, etc. manufactured in the Republic of Korea under paragraph (1), once such criteria are established. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

**Article 36
(Submission of
Certificate of Origin
of Imported Goods,
etc.)** 

- (1) The Minister of Trade, Industry and Energy may require any person who intends to import goods, etc. to submit a certificate of origin issued by the government of the country in which the goods, etc. originate or the country where the goods, etc. are shipped, if considered necessary

for verifying their origin. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

- (2) Matters concerning the submission and verification of certificates of origin under paragraph (1) shall be prescribed by Presidential Decree.

Article 37 (Issuance of Certificate of Origin of Exported Goods, etc.) 

- (1) Any person who wishes to have a certificate of origin of exported goods issued to comply with any treaty signed and promulgated pursuant to the [Constitution of the Republic of Korea](#) and generally-accepted international laws and regulations or at the request of a trader of a trading partner country shall file an application for issuance of the certificate of origin with the Minister of Trade, Industry and Energy. In such cases, the applicable fees shall be paid. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The guidelines and procedure for the issuance of certificates of origin under paragraph (1), the term of validity, fees, and other necessary matters for the issuance shall be prescribed by Presidential Decree.

Article 38 (Prohibition of Misrepresenting Foreign Goods, etc. as Domestic Goods, etc.) 

No one shall misrepresent that the place of origin of certain goods, etc. is the Republic of Korea, if they are actually manufactured in a foreign country (including goods, etc. manufactured in a foreign country and then undergoing simple processing prescribed by Presidential Decree in Korea; hereafter the same shall also apply in subparagraph 4 of [Article 53-2](#)) to export or sell them in a foreign country by fabricating or altering a certificate of origin, having a certificate of origin issued with false details, or marking a false origin of goods, etc. <Amended by Act No. 10231, Apr. 5, 2010>

CHAPTER IV LIMITATIONS ON QUANTITY OF IMPORTS

Article 39 (Measures to Impose Limitations on Quantity of Imports) 

- (1) When the Korea Trade Commission under [Article 27 of the Act on the Investigation of Unfair International Trade Practices and Remedy Against Injury to Industry](#) (hereinafter referred to as the "Korea Trade Commission") confirms as a result of its investigations that the domestic industry that produces a certain kind of goods or directly competing goods (hereafter referred to as "domestic industry" in this Article) suffers, or is likely to suffer, severe damage and losses (hereafter referred to as "severe damage and losses" in this Article) due to an increase in importation of specific goods of the same kind, and thus recommends to take remedial measures for such severe damage and losses, the Minister of Trade, Industry and Energy may take measures to impose limitations on the quantity of imports (hereinafter referred to as "limitations on the quantity of imports") to the extent necessary for preventing or curing such severe damage and losses inflicted on the domestic industry of such goods, etc. and facilitating coordination, if it is concluded as necessary for protecting domestic industry. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

- (2) The Minister of Trade, Industry and Energy shall examine the recommendations of the Korea Trade Commission, the necessity of protecting the relevant domestic industry, the implications in international commerce, the level of compensation, the impact on the national economy, etc. following the implementation of the limitations on the quantity of imports, in determining whether to take such measures to impose limitations on the quantity of imports and further details. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (3) The Government may negotiate with an interested country regarding adequate compensation for negative impacts on trade by the limitations on the quantity of imports before it implements the limitations on the quantity of imports.
- (4) Limitations on the quantity of imports shall apply only to the goods imported after the implementation of such limitations.
- (5) The time period for the application of the limitations on the quantity of imports shall not exceed four years.
- (6) The Minister of Trade, Industry and Energy shall issue a public notice of the goods subject to the limitations on the quantity of imports, the quantity thereof, the time period for the application of the limitations, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (7) The Minister of Trade, Industry and Energy may, if considered necessary for making a decision as to whether to take the measures to impose limitations on the quantity of imports, request the heads of the relevant administrative agencies, interested parties, etc. to furnish him or her with related data and render cooperation as required. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (8) As regards the goods previously subject to limitations on the quantity of imports, or the goods subject to the emergency tariffs under [Article 65 of the Customs Act](#) (hereinafter referred to as "emergency tariff") or the provisional emergency tariffs under [Article 66 of the same Act](#) (hereinafter referred to as "provisional emergency tariff"), the Minister of Trade, Industry and Energy shall not enforce any further limitation on the quantity of imports before the expiration of the time period equivalent to the time period set for such previous limitations or such imposition of the emergency tariff or the provisional emergency tariff (or two years if the time period set for the application of such limitations or imposition is less than two years) beginning on the expiry date of the time period set for the application of such limitations or the imposition: Provided, That the limitations on the quantity of imports may be implemented for a time period not exceeding 180 days, only if all the requirements set forth in the following subparagraphs are satisfied: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
 1. One year has passed since the limitations on the quantity of imports were implemented or the emergency tariff or provisional emergency tariff was first imposed on the specific goods;
 2. Such limitations on the quantity of imports have been implemented twice or less or such emergency tariff has been imposed twice or less during the preceding five years, counting retroactively from the date when the intended limitations on the quantity of imports are about to be implemented again.

**Article 40 (Extension
of Limitations on**



Quantity of Imports, etc.)

- (1) The Minister of Trade, Industry and Energy may, if there is a recommendation of the Korea Trade Commission and it is considered necessary, revise the terms and conditions of the limitations on the quantity of imports, or extend the time period for the application of the limitations. In such cases, the revision to terms and conditions of the limitations and the terms and conditions of the limitations revised during the extended time period shall be more alleviated than those of the initial limitations. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) In extending the time period for the application of limitations on the quantity of imports pursuant to paragraph (1), the aggregate of the time period for the application of the limitations on the quantity of imports and the time period for the imposition of emergency tariffs or provisional emergency tariffs, and the extended time period thereof shall not exceed eight years.

Article 41 Deleted. <by Act No. 13838, Jan. 27, 2016> 

CHAPTER V MAINTENANCE OF GOOD ORDER IN EXPORTATION AND IMPORTATION

Article 42 Deleted. <by Act No. 9154, Dec. 19, 2008> 

Article 43 (Prohibition of Manipulation in Pricing Exported or Imported Goods, etc.) 

No trader shall manipulate export or import price of goods, etc. with intent to illegally conceal foreign currencies.

**Article 44 (Expeditious
Settlement of Trade
Disputes between
Traders)** 

- (1) No trader shall delay the settlement of a dispute without justifiable grounds, when a dispute arises between domestic traders or between a domestic trader and a trader in a trading partner country in connection with exportation or importation of goods, etc.
- (2) When a dispute set forth in paragraph (1) arises, the Minister of Trade, Industry and Energy may request traders to present their statements on the settlement of the dispute or submit documents pertaining to the dispute. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (3) The Minister of Trade, Industry and Energy may, upon receiving documents or considering opinions pursuant to paragraph (2), investigate the facts relevant to the dispute, if considered necessary. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (4) The Minister of Trade, Industry and Energy may initiate conciliation of a dispute or recommend the parties involved to make an arbitration agreement for the settlement of the dispute, under conditions prescribed by Presidential Decree, if considered necessary for settling the dispute under paragraph (1) in a prompt and fair manner or if the parties to the trade dispute apply therefor. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

**Article 45 (Mediation
of Disputes Arising
from Preshipment
Inspection, etc.)** 

- (1) An institution that carries out a preshipment inspection of goods, etc. to be exported by a company within the territory of the Republic of Korea under an agreement entered into with the government of an importing country or with an authority delegated by the government of an importing country (hereinafter referred to as "preshipment inspection institution") shall abide by the World Trade Organization's Agreement on Preshipment Inspection. In such cases, no preshipment inspection institution shall carry out the preshipment inspection in a manner to place a trade barrier that impedes exportation by companies.
- (2) When a dispute arises between an exporter and a preshipment inspection institution in connection with preshipment inspections, the Minister of Trade, Industry and Energy may initiate mediation to settle such dispute. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (3) An independent arbitral institution may be established for arbitration as required for the settlement of disputes under paragraph (2) under conditions prescribed by Presidential Decree.

Article 46 (Order of Coordination)

- (1) The Minister of Trade, Industry and Energy may order traders to coordinate in adjusting the price, quantity, quality, and other terms and conditions or the business territory of exported goods, etc., if any of the following causes or events occurs: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
 1. When it is necessary for fulfilling the obligations under treaties signed and promulgated pursuant to the [Constitution of the Republic of Korea](#) and generally accepted international laws and regulations;
 2. When the transaction at issue violates any relevant law of the Republic of Korea or the trading partner country;
 3. When it is otherwise likely to undermine fair competition in exportation of goods, etc., or when it is necessary for preventing an act of undermining the credibility in the international market, as set forth in any of the following items:
 - (a) When a trader excludes other traders unfairly in connection with exportation of goods, etc.;
 - (b) When a trader unfairly induces or coerces a trading partner of another trader to discontinue transactions with the other trader in connection with the exportation of goods, etc.;
 - (c) When a trader unfairly interferes with overseas business activities of another trader in connection with exportation of goods, etc.
- (2) The Minister of Trade, Industry and Energy shall consider the following matters in issuing an order of coordination pursuant to paragraph (1): <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
 1. To contribute to the stabilization of the basis for exportation or the development of new products or new overseas markets;
 2. To cause no infringement of or discrimination against other traders' rights and interests;
 3. To ensure not to exceed the extent necessary for the purpose of maintaining good order in the exportation and importation of goods, etc.

- (3) Necessary matters concerning the procedures, etc. for issuing the orders of coordination under paragraph (1) shall be prescribed by Presidential Decree.
- (4) The Minister of Trade, Industry and Energy may not grant approval under [Article 11](#) (2) or require the head of an agency concerned to cease the proceedings for approval, if considered necessary for issuing an order of coordination pursuant to paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 47 (Hearings)

The Minister of Trade, Industry and Energy or the heads of the relevant administrative agencies shall hold a hearing, whenever they intend to make a disposition set forth in any of the following subparagraphs: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>

1. Revocation of export permission, situational permission, transit or transshipment permission, or brokerage permission under [Article 24-3](#);
2. Issuance of an order of coordination under [Article 46](#) (1).

Article 48 (Report, Inspection, etc.)

(1) The Minister of Trade, Industry and Energy or the heads of the relevant administrative agencies may order a person who holds export permission or situational permission for the goods, etc. subject to a restriction or ban on exportation pursuant to subparagraphs 4 and 4-2 of [Article 5](#), strategic items, or goods, etc. pursuant to [Article 19](#) (3) or a person who exports, or tried to export, such goods, etc. without export permission or situational permission to submit a report or data on the following matters: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>

1. The importing country;
2. The name, address, business area, main clients, and purpose of use of the importer, end user, or the person with authority delegated by the importer or end user;
3. Related data including tax payment certificates issued by authority of the importing country or publications for verifying the identity of the importer, end user, or the person with authority delegated by the importer or end user;
4. Other matters prescribed and publicly notified by the Minister of Trade, Industry and Energy, including the means of transportation, the country to which the goods are to be transhipped, and the means of payment.

(2) The Minister of Trade, Industry and Energy or the heads of the relevant administrative agencies may assign public officials under their control to inspect accounting books, documents, or any other stuff at the office, place of business, factory, or warehouse of the person specified in paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>

(3) Any public official who carries out an inspection under paragraph (2) shall present identification showing his or her authority to the people concerned.

Article 49 (Order to Take Training Course)

The Minister of Trade, Industry and Energy or the heads of the relevant administrative agencies may issue an order to take a training course to a person who falls under any of the following subparagraphs, under conditions prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>

1. Any person who has exported goods without receiving export permission or situational permission;
2. Any person who has received export permission or situational permission by fraud or other improper means;
3. Any person who has transit, transshipped, or brokered without transit or transshipment permission under [Article 23](#) (3) or brokerage permission under [Article 24](#);
4. Any person who has obtained transit or transshipment permission under [Article 23](#) (3) or brokerage permission under [Article 24](#) by fraud or other improper means.

[This Article Wholly Amended by Act No. 9630, Apr. 22, 2009]

Article 50 (Relationship to the Monopoly Regulation and Fair Trade Act)



- (1) As to the execution of an order of coordination issued by the Minister of Trade, Industry and Energy pursuant to [Article 46](#), the [Monopoly Regulation and Fair Trade Act](#) shall not apply. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Trade, Industry and Energy shall consult with the Korea Fair Trade Commission in advance, if his or her order of coordination under [Article 46](#) has the effect of restraining competition in the domestic market between business entities under subparagraph 1 of [Article 2 of the Monopoly Regulation and Fair Trade Act](#). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 51 (Relationship to the National Security Act)



As to the exportation and importation of goods, etc. under this Act, the [National Security Act](#) shall not apply as long as such activities in the course of execution of business affairs are considered fair and just.

Article 52 (Delegation and Entrustment of Authority)



- (1) The Minister of Trade, Industry and Energy may delegate part of his or her authority under this Act to the head of agencies under his or her control or the Mayors/Do Governors, under conditions prescribed by Presidential Decree, or entrust it to the heads of relevant administrative agencies, the heads of customs offices, the Governor of the Bank of Korea, President of the Export-Import Bank of Korea, the heads of foreign exchange banks, and legal entities and organizations specified by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Trade, Industry and Energy shall direct or supervise those to whom his or her authority has been delegated or entrusted in relation to the business affairs

delegated or entrusted pursuant to paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

- (3) The Minister of Trade, Industry and Energy may request any person to whom his or her authority has been delegated or entrusted to furnish him or her with necessary data in relation to the business affairs delegated or entrusted pursuant to paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

CHAPTER VII PENALTY PROVISIONS

Article 53 (Penalty Provisions)



- (1) A person who falls under any of the following subparagraphs for the purpose of international diffusion of strategic items, etc. shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding five times the value of goods, etc. which are exported, transit, transshipped or brokered: <Amended by Act No. 11958, Jul. 30, 2013>
1. A person who exports strategic items, etc. without export permission under [Article 19](#) (2);
 2. A person who exports any goods, etc. subject to situational permission without the situational permission under [Article 19](#) (3);
 3. A person who transits or transships strategic items, etc. without transit or transshipment permission under [Article 23](#) (3);
 4. A person who engages in brokering strategic items, etc. without brokerage permission under [Article 24](#).
- (2) A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding three times the value of goods, etc. which are exported, imported, transit, transshipped, or brokered: <Amended by Act No. 11958, Jul. 30, 2013>
1. A person who violates a restriction or ban on exportation or importation under any subparagraph of [Article 5](#);
 2. A person who exports strategic items without export permission under [Article 19](#) (2);
 3. A person who obtains export permission under [Article 19](#) (2) by fraud or other improper means;
 4. A person who exports any goods, etc. subject to situational permission without the situational permission under [Article 19](#) (3);
 5. A person who obtains the situational permission under [Article 19](#) (3) by fraud or other improper means;
 - 5- A person who transits or transships strategic items, etc. without transit or transshipment permission under [Article 23](#) (3);
 2. permission under [Article 23](#) (3);
 - 5-3. A person who has obtained transit or transshipment permission under [Article 23](#) (3) by fraud or other improper means;
 6. A person who engages in brokering strategic items, etc. without a brokerage permission under [Article 24](#);
 7. A person who obtains brokerage permission under [Article 24](#) by fraud or other improper means;
 8. Deleted; <by Act No. 10231, Apr. 5, 2010>

9. A person who manipulates the export or import price of any goods, etc. in violation of [Article 43](#);

10. A person who violates an order of coordination under [Article 46](#) (1).

Article 53-2 (Penalty Provisions)



A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 100 million won. In such cases, the imprisonment with labor and fine can be concurrently imposed: <Amended by Act No. 11958, Jul. 30, 2013>

1. A person who violates an order to halt transportation under [Article 23](#) (1);
- 1-2. A trader or distributor of goods, etc. who violates [Article 33](#) (4) 1 or 2;
2. A trader who fails to mark the origin of the goods which shall bear an indication of origin, in violation of [Article 33](#) (4) 3;
3. A person who violates an order to take a corrective measure under [Article 33-2](#) (1);
4. A person who violates a duty of prohibiting the misrepresentation of foreign goods, etc. as Korean goods, etc. under [Article 38](#).

[This Article Newly Inserted by Act No. 10231, Apr. 5, 2010]

Article 54 (Penalty Provisions)



A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: <Amended by Act No. 9630, Apr. 22, 2009; Act No. 11958, Jul. 30, 2013>

1. A person who provides or divulges the corporate information which he or she has acquired in performing his or her duty, to other persons, or uses such information for any other purpose in violation of [Article 9](#) (2);
2. A person who exports or imports goods, etc. subject to approval for exportation or importation, without approval or revised approval under [Article 11](#) (2) or (5);
3. A person who exports or imports any goods, etc. by obtaining approval or revised approval under [Article 11](#) (2) or (5) or being exempted from such approval or revised approval by fraud or other improper means;
4. A person who fails to fulfill his or her duty to earn the foreign currencies equivalent to the value of his or her imports as provided for in the main body of [Article 16](#) (3) (including cases applied mutatis mutandis in [Article 17](#) (3));
5. A person who uses any material or equipment, or any goods, etc. manufactured with such material or equipment for any purpose, other than its originally intended purpose, without approval under the main body of [Article 17](#) (1);
6. A person who transfers any material or equipment, or any goods, etc. manufactured with such material or equipment to another person without approval under [Article 17](#) (2);
7. A person who breaches his or her duty to maintain confidentiality under [Article 27](#);
8. A person who obtains approval or revised approval under [Article 32](#) by fraud or other improper means;
9. through 11. Deleted. <by Act No. 10231, Apr. 5, 2010>

Article 55 (Attempted Crime)



Any attempted crime under [Article 53](#) (1) or (2) 2, 4, or 6 or subparagraph 1-2, 2, or 4 of [Article 53-2](#) shall be treated as the completion of the relevant principal crime for the purpose of

punishment. <Amended by Act No. 9154, Dec. 19, 2008; Act No. 10231, Apr. 5, 2010; Act No. 11958, Jul. 30, 2013>

Article 56 (Negligence Criminal)

A person who commits any offence referred to in subparagraph 1-2 or 2 of [Article 53-2](#) by gross negligence shall be punished by a fine not exceeding 20 million won. <Amended by Act No. 9154, Dec. 19, 2008; Act No. 9630, Apr. 22, 2009; Act No. 10231, Apr. 5, 2010; Act No. 11958, Jul. 30, 2013>

Article 57 (Joint Penalty Provisions)

If a representative of a corporation, or an agent, employee, or any other servant of a corporation or individual commits an offence under [Article 53](#), [53-2](#), or [54](#) through 56 in connection with the business of the corporation or individual, in addition to the punishment of such offender, the corporation or individual shall be punished by a fine under each relevant Article: Provided, That where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offence, this shall not apply. <Amended by Act No. 10231, Apr. 5, 2010>
[This Article Wholly Amended by Act No. 9221, Dec. 26, 2008]

Article 58 (Legal Fiction as Public Official in Application of Penalty Provisions)

For the purposes of the penalty provisions of [Articles 129 through 132 of the Criminal Act](#), the executive officers and employees of the Korea Strategic Trade Institute who carry out any of the business affairs set forth in [Article 29](#) (5), the executive officers and employees of the Bank of Korea, the Export-Import Bank of Korea, foreign exchange banks who engage in any of the business affairs entrusted by the Minister of Trade, Industry and Energy pursuant to [Article 52](#), and the executive officers and employees of other legal entities and organizations specified by Presidential Decree shall be treated as public officials. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013>

Article 59 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding 20 million won:

1. A person who fails to submit any relevant document, in violation of [Article 44](#) (2);
2. A person who refuses, interferes with, or evades an investigation into facts under [Article 44](#) (3);
3. A person who fails to submit a report or data under [Article 48](#) (1), or submits a false report or data;
4. A person who refuses, interferes with, or evades an inspection under [Article 48](#) (2).

(2) Any of the following persons shall be punished by an administrative fine not exceeding 10 million won: <Amended by Act No. 9630, Apr. 22, 2009; Act No. 10231, Apr. 5, 2010; Act No. 11958, Jul. 30, 2013>

1. A person who breaches his or her duty to store documents in accordance with [Article 24-2](#);
 2. Deleted; <by Act No. 11958, Jul. 30, 2013>
 3. A person who refuses, interferes with, or evades an inspection under [Article 33](#) (5);
 4. A person who fails to carry out an order to take a training course under [Article 49](#).
- (3) Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Trade, Industry and Energy, the Mayor/Do Governor, or the head of the relevant administrative agency, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29,

2008; Act No. 9630, Apr. 22, 2009; Act No. 11690, Mar. 23, 2013; Act No. 11958, Jul. 30, 2013>

(4) through (6) Deleted. <by Act No. 9630, Apr. 22, 2009>

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Preparation for Establishment of Korea Strategic Trade Institute)

- (1) The Minister of Commerce, Industry and Energy shall establish the Committee for the Establishment of the Korea Strategic Trade Institute (hereafter referred to as the "Organizational Committee" in this Article), which shall be responsible for carrying out the affairs pertaining to the establishment of the Korea Strategic Trade Institute pursuant to the amended provisions of [Article 29](#).
- (2) The Organizational Committee shall be comprised of five or less organizational members, including one chairperson, and the chairperson and members of the Organizational Committee shall be commissioned by the Minister of Commerce, Industry and Energy.
- (3) The Organizational Committee shall prepare the articles of incorporation of the Korea Strategic Trade Institute for authorization of the Minister of Commerce, Industry and Energy.
- (4) The Organization a Committee shall, upon receiving the authorization under paragraph (3), complete registration of its establishment without delay.
- (5) The Organizational Committee shall transfer the business affairs to the president of the Korea Strategic Trade Institute without delay upon the appointment of the president, and it shall be deemed that the organizational members are discharged from office upon the completion of such transfer of the business affairs.

Article 3 (Applicability to Preservation of Documents, Report, Notice, and Brokerage Permission)

- (1) The amended provisions of [Article 20](#) (3) shall apply to documents for the goods delivered or for which the export or import declaration is accepted pursuant to Article 248 (1) of the [Customs Act](#) on or after April 4, 2007, which corresponds to the date the partial amendment to the [Foreign Trade Act](#) (Act No. 8185) enters into force.
- (2) The amended provisions of the main body of Article 21 (1) shall apply to the report on the goods delivered or for which the export or import declaration is accepted pursuant to Article 248 (1) of the [Customs Act](#) on or after April 4, 2007, which corresponds to the date the partial amendment to the [Foreign Trade Act](#) (Act No. 8185) enters into force.
- (3) The amended provisions of Article 21 (2) shall apply to the delivery contract concluded on or after April 4, 2007, which corresponds to the date the partial amendment to the [Foreign Trade Act](#) (Act No. 8185) enters into force.
- (4) The amended provisions of the main body of Article 24 (1) shall apply to brokerages conducted on or after April 4, 2007, which corresponds to the date the partial amendment to the [Foreign Trade Act](#) (Act No. 8185) enters into force.

Article 4 (General Transitional Measures concerning Dispositions, etc.)

Any action taken by or against an administrative agency pursuant to the former provisions before this Act enters into force shall be deemed to be an action taken by or against the administrative agency pursuant to this Act.

Article 5 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

The acts committed before this Act enters into force shall be governed by the former provisions in applying penalty provisions or the provisions pertaining to administrative fines.

Article 6 Omitted.

Article 7 (Relationship to Other Statutes)

A citation of the former [Foreign Trade Act](#) or any provisions thereof by any other statutes enforceable at the time when this Act enters into force, if any, shall be deemed to be a citation of this Act or any corresponding provisions hereof in lieu of the former provisions, if such corresponding provisions exist herein.

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. 9154, Dec. 19, 2008>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
- (2) (Transitional Measures concerning Corrective Measures, Penalty Surcharges and Penalty Provisions) The application of corrective measures, penalty surcharges and penalty provisions to any violation of the former provisions of [Article 42](#) (1) 2 before this Act enters into force shall be governed by the former provisions.

ADDENDUM <Act No. 9221, Dec. 26, 2008>

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

ADDENDA <Act No. 9630, Apr. 22, 2009>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
- (2) (Transitional Measures concerning Penalty Surcharges, Penalty Provisions and Administrative Fines) The application of penalty surcharges, penalty provisions and administrative fines to any acts committed before this Act enters into force shall be governed by the former provisions.

(3) Omitted.

ADDENDA <Act No. 10231, Apr. 5, 2010>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
- (2) (Transitional Measures) The application of penalty provisions to any conduct performed before this Act enters into force shall be governed by the former provisions.

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. 11873, Jun. 7, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2013.

Articles 2 through 19 Omitted.

ADDENDA <Act No. 10339, Jun. 4, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 11958, Jul. 30, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Export Permission for Strategic Items)

The amended provisions of [Article 19](#) (2) shall apply beginning with the exportation or transfer of strategic items after this Act enters into force.

Article 3 (Applicability to Obligation to Store Documents)

The obligation to store documents regarding transit or transshipment permission under the amended provisions of [Article 24-2](#) shall apply beginning with cases in which transit or transshipment permission has been granted after this Act enters into force.

Article 4 (Applicability to Corrective Order Regarding Violations of Obligation to Indicate Origin)

The amended provisions of [Article 33-2](#) (1) shall apply beginning with the trade of the goods which shall bear an indication of origin but violates the obligation to indicate origin under the amended provisions of [Article 33](#) (4) 4 after this Act enters into force.

Article 5 (Applicability to Publication of Details of Violation, etc.)

The amended provisions of [Article 33-2](#) (5) shall apply beginning with an offender who violates the obligation to indicate origin under [Article 33](#) (2) through (4) after this Act enters into force.

Article 6 (Applicability to Order to Take Training Course)

The amended provisions of [Article 49](#) shall apply beginning with a person falling under subparagraph 3 or 4 of the said Article after this Act enters into force.

Article 7 (Transitional Measures concerning Administrative Fines)

Application of administrative fines imposed on violations committed before this Act enters into force shall be governed by the previous provisions.

Article 8 Omitted.

ADDENDUM <Act No. 12285, Jan. 21, 2014>

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

ADDENDUM <Act No. 13838, Jan. 27, 2016>

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