

PREVENTION OF MARINE POLLUTION ACT

Wholly Amended by Act No.4365, Mar. 8,1991

Amended by Act No.4558, Jun. 11,1993

Act No.4559, Jun. 11,1993

Act No.5098, Dec.29,1995

Act No.5336, Apr. 10,1997

Act No.5453, Dec.13,1997

Act No.5470, Dec.17,1997

Act No.5915, Feb. 8,1999

Act No.6515, Sep. 12,2001

Act No.7240, Oct. 22,2004

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect the health and property of the people by preserving the marine environment through the regulation of oil, harmful liquid substances and wastes discharged into the sea, and removal of marine pollutants. *<Amended by Act No. 5915, Feb. 8, 1999>*

Article 2 (Definition)

For the purpose of this Act, the definitions of terms shall be as follows: *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999; Act No. 7240, Oct. 22, 2004>*

1. The term "oil" means crude oil and petroleum products (excluding petroleum gas) prescribed in the Petroleum and Petroleum Substitute Fuel Business Act, oily mixtures containing them (hereinafter referred to as "oily mixtures") and waste oil;
2. The term "liquid substance" means any substance the steam pressure of which is not over 2.8 kilograms per square centimeters at the temperature of 37.8 degrees centigrade;
3. The term "harmful liquid substance" means any liquid substance which hinders preservation of the marine environment other than oil (including any mixture thereof), which is the substance prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries and the liquid substance such as water ballast, washing water, etc. of cargo space containing such substances;
4. Deleted; *<by Act No. 5915, Feb. 8, 1999>*

- 4-The term "packed harmful substance" means any harmful substance transported by ships in
2. packaged form, which is detrimental to the preservation of the marine environment if it is
discharged into the sea, and as determined by the Ordinance of the Ministry of Maritime
Affairs and Fisheries;
5. The term "harmful liquid substance, etc." means harmful liquid substance and packed harmful
substance;
6. The term "wastes" means any substance (excluding oil and harmful liquid substances, etc.)
which hinders the preservation of the marine environment if it is discharged into the sea, which
is prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries and which
becomes useless in such state due to the discharge into the sea;
7. The term "discharge" means any leaking, release or dumping of wastes such as oil, harmful
liquid substances, etc. or sullage, etc. into the sea: *Provided*, That it shall not include any leaking
and dumping made for the purpose of scientific survey and research on pollution abatement,
prevention or removal under the conditions as prescribed by the Ordinance of the Ministry of
Environment;
8. The term "ship" means any sea-going vessel and boat of any type whatsoever used for
navigation at the sea and those navigable only when they are towed or pushed by other ships
(hereafter referred to as the "towed vessels");
9. The term "oil tanker" means any ship of any type whatsoever constructed for the carriage of oil
in bulk as cargo space;
10. The term "marine installation" means structures which are installed at the sea or installed to
connect at the sea area and the land and as prescribed by the Presidential Decree;
11. The term "bilge water" means any stagnant oily mixture at the bottom of a ship;
12. Deleted; <by Act No. 5915, Feb. 8, 1999>
13. The term "harbor management office" means any management office as prescribed in Article
22 of the Harbor Act and Article 4 of the Fishery Harbors Act; and
14. The term "sea area management office" means the Ministry of Maritime Affairs and Fisheries
where the sea area in question falls under any of the following items and the Metropolitan City
Mayor or *Do* governor (hereinafter referred to as the "Mayor/*Do* governor") in case of the other
sea areas:
 - (a) The sea area for which our country holds the management right with respect to the
preservation of marine environment in accordance with the United Nations Convention on
The Law of Sea: *Provided*, That the territorial waters under the Territorial Sea and Contiguous
Zone Act shall be excluded; and
 - (b) The sea area within harbors prescribed by the Presidential Decree.

Article 3 (Scope of Application)

(1) The provisions of this Act shall apply to the following marine pollution and the prevention thereof: *Provided*, That the marine pollution by any radioactive substance and the prevention thereof shall be subject to the conditions as prescribed by the Atomic Energy Act: <Amended by Act No. 5915, Feb. 8, 1999>

1. Marine pollution caused in the sea area contiguous to the territory of the Republic of Korea and other sea areas, as prescribed by the Presidential Decree;
 2. Marine pollution caused in connection with any development of the submarine mining area pursuant to the provisions of Article 3 of the Submarine Mineral Resources Development Act, outside such sea areas as referred to in subparagraph 1;
 3. Marine pollution caused by any ship of the Republic of Korea pursuant to the provisions of Article 2 of the Ship Act, outside such sea areas as referred to in subparagraph 1;
 - 3-Marine pollution in the environment preservation sea area under the provisions of Article 4-4 2. (1); and
 4. The marine pollution in the specially managed sea areas under the provisions of Article 4-4 (2).
- (2) Except as otherwise provided in this Act, the disposal of waste oil, wastes and harmful liquid substances on land pursuant to the provisions of Articles 8 (1), 17-2, 34 (5) and 40 (1), shall be dealt with in accordance with the Wastes Control Act, the Water Quality Conservation Act or the Act on the Disposal of Sewage, Excreta and Livestock Wastewater. <Amended by Act No. 5915, Feb. 8, 1999>

[This Article Wholly Amended by Act No. 5098, Dec. 29, 1995]

Article 4 (Establishment, etc. of Comprehensive Measures for Preservation of Marine Environment)

- (1) The Minister of Maritime Affairs and Fisheries shall establish and execute the comprehensive measures for the preservation of the marine environment, after consultation with the head of the central government agency concerned. <Amended by Act No. 5336, Apr. 10, 1997>
- (2) The comprehensive measures pursuant to the provisions of paragraph (1) shall include the following matters:
1. Policy directions on the preservation of the marine environment;
 2. Actual situation and future anticipation of the marine pollution;
 3. Preventive measures of the marine pollution;
 4. Development of technology for preserving the marine environment;
 5. International cooperation for preserving the marine environment; and
 6. Other matters necessary for the preservation of the marine environment.
- (3) If it is necessary for the establishment of the comprehensive measures as referred to in paragraph (1), the Minister of Maritime Affairs and Fisheries may request the head of the administrative agency concerned to present the necessary materials. <Amended by Act No. 5336,

Apr. 10, 1997>

(4) The Minister of Maritime Affairs and Fisheries shall, upon establishing the comprehensive measures as referred to in paragraph (1), notify it to the head of the administrative agency concerned, who shall, upon receiving the notification, take measures necessary for executing it.

<Amended by Act No. 5336, Apr. 10, 1997>

(5) Matters necessary for the establishment, etc. of the comprehensive measures as referred to in paragraph (1) shall be determined by the Presidential Decree.

[This Article Wholly Amended by Act No. 5098, Dec. 29, 1995]

Article 4-2 (Establishment of Marine Environment Standards by Sea Area)

(1) The Minister of Maritime Affairs and Fisheries shall set marine environment standards by sea area to maintain the environmental standards pursuant to the provisions of Article 10 of the Framework Act on Environmental Policy. In this case, the Minister of Maritime Affairs and Fisheries shall hear in advance opinions of administrative agencies concerned. *<Amended by Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

(2) Deleted. *<by Act No. 5915, Feb. 8, 1999>*

[This Article Newly Inserted by Act No. 5098, Dec. 29, 1995]

Article 4-3 (Marine Environment Measuring Network)

(1) The Minister of Maritime Affairs and Fisheries shall build a maritime environment measuring network to survey the marine environment in coastal and offshore sea areas and sources of pollution, and measure regularly the degree of marine pollution. *<Amended by Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

(2) The Mayor/Do governor may build and operate a marine environment measuring network referred to in paragraph (1). *<Newly Inserted by Act No. 5915, Feb. 8, 1999>*

(3) In conducting the measurement referred to in paragraph (1), the Minister of Maritime Affairs and Fisheries shall determine and publish a marine environment official measurement method to ensure accuracy and uniformity of such measurement. *<Amended by Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

[This Article Newly Inserted by Act No. 5098, Dec. 29, 1995]

Article 4-4 (Restrictions on Acts in Environment Preservation Sea Areas, etc.)

(1) The Minister of Maritime Affairs and Fisheries may restrict installation of facilities prescribed by the Presidential Decree in the environment preservation sea areas as prescribed by the Presidential Decree, where sea areas prescribed by the Presidential Decree (including lands which have a direct impact on marine pollution and hereinafter referred to as "environment preservation sea areas") have the marine environment standards in excess of the marine environment standards by sea area and are feared to inflict serious damages on the health and property of residents and the

raising of animals, from among sea areas that have better marine conditions and need to be preserved continuously and that fall under any of the following subparagraphs:

1. Sea areas used for the purpose of protecting and augmenting fishery resources from among the natural environment preservation areas under the provisions of Article 9 of the Act on the Utilization of and Management of National Territory; and
2. Sea areas that have better marine environment and ecosystem and that need to be preserved continuously.

(2) The Minister of Maritime Affairs and Fisheries may, where it is deemed necessary to preserve sea areas prescribed by the Presidential Decree (including lands that have a direct impact on marine pollution and hereinafter referred to as "specially managed sea areas"), from among sea areas for which it is difficult to maintain the marine environment standards by sea area under the provisions of Article 4-2 and which pose a significant obstacle to the preservation of marine environment or are feared to pose such obstacle, restrict installation of facilities in the specially managed sea areas and regulate total pollutants discharged by business establishments in such specially managed sea areas.

(3) The Presidential Decree shall prescribe that facilities and the contents thereof subject to the restrictions of installation, sea areas subject to the regulation of total pollutants discharged, regulation items and regulation methods under paragraph (2).

[This Article Wholly Amended by Act No. 5915, Feb. 8, 1999]

Article 4-5 (Basic Management Plan for Environment Preservation Sea Areas)

The Minister of Maritime Affairs and Fisheries shall work out and implement a basic management plan for the environment preservation sea areas and the specially managed sea areas which contains matters falling under each of the following subparagraphs after consulting with heads of central administrative agencies and the Mayor/Do governor, and going through the deliberations of the Marine Environment Preservation Advisory Committee under the provisions of Article 63:

1. Survey of marine environment and sources of pollution;
2. Measures for the preservation and improvement of marine environment; and
3. Measures for the support of residents living near the environment preservation sea areas and the specially managed sea areas.

[This Article Wholly Amended by Act No. 5915, Feb. 8, 1999]

Article 4-6 (Request for Indemnification for Marine Environmental Damage Caused by Oil Pollution, etc.)

If any damage is caused by a discharge of oil or any harmful liquid substance, the State may request the indemnification for such damage to the discharger.

[This Article Newly Inserted by Act No. 5098, Dec. 29, 1995]

Article 4-7 (Measures for Improvement of Marine Environment)

The sea area management office shall take measures falling under each of the following subparagraphs to prevent marine pollution caused by the inflow or accumulation of pollutants:

1. Installation of facilities to prevent the inflow of pollutants;
2. Removal and treatment of wastes; and
3. Dredging of accumulated pollutants.

[This Article Newly Inserted by Act No. 5915, Feb. 8, 1999]

Article 4-8 (Consultations on Utilization of Sea Areas)

Any head of administrative agency who intends to grant designation, a license or permission falling under each of the following subparagraphs shall consult in advance with the Minister of Maritime Affairs and Fisheries as prescribed by the Presidential Decree: *Provided*, That the provisions of subparagraph 4 shall apply only to the specially managed sea areas:

1. Designation of waste-discharge sea areas within the port boundary of a newly opened port in accordance with the provisions of the proviso of Article 24 (1) of the Public Order in Open Ports Act;
2. A license for the reclamation of public waters in accordance with the provisions of Article 9 of the Public Waters Reclamation Act;
3. Permission for occupying and using public waters in accordance with the provisions of Article 5 of the Public Waters Reclamation Act; and
4. A fishing permit in accordance with the Fisheries Act.

[This Article Newly Inserted Act No. 5915, Feb. 8, 1999]

Article 4-9 (Marine Environment Information Network)

(1) The Minister of Maritime Affairs and Fisheries shall build a marine environment information network as prescribed by the Presidential Decree to supply the people with marine environment information.

(2) The Minister of Maritime Affairs and Fisheries, when he deems it necessary to build a marine environment information network referred to in paragraph (1), may ask heads of administrative agencies to furnish necessary data.

[This Article Newly Inserted by Act No. 5915, Feb. 8, 1999]

CHAPTER II REGULATION OF DISCHARGE OF OIL, HARMFUL LIQUID SUBSTANCES, ETC. OR WASTES FROM SHIPS

SECTION 1 Regulation of Oil Discharge from Ships

Article 5 (Prohibition of Oil Discharge from Ships)

(1) No person shall commit an act discharging oil from a ship into the sea: *Provided*, That this shall not apply to the cases in the following subparagraphs:

1. An inevitable discharge of oil made for the purpose of securing the safety of a ship or saving a life; and
2. A continuous discharge of oil resulting from damage to the ship or any other inevitable reason, even though all possible measures to prevent it were taken.

(2) The provisions of the purview of paragraph (1) shall not apply in the case where a ship discharges oil (excluding the water ballast, the washing water of cargo space, and the bilge water, with which the cargo oil is mixed from an oil tanker) into the discharging sea area as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries in a manner consistent with the discharging standards and methods as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5336, Apr. 10, 1997>*

(3) The provisions of the purview of paragraph (1) shall not apply in the case where an oil tanker discharges the water ballast, the washing water of cargo space and the bilge water with which the cargo oil is mixed, into the discharging sea area as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries in a manner consistent with the discharging standards and methods as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5336, Apr. 10, 1997>*

(4) The provisions of the purview of paragraph (1) shall not apply in the case where water ballast of cargo space in a washed oil tanker is discharged in a manner consistent with the washing degree as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5336, Apr. 10, 1997>*

Article 6 (Installations, etc. of Equipment to Prevent Discharge of Oil into Sea)

(1) The owner of a ship (it refers to a lessee of a ship in case of a leased ship; hereinafter the same shall apply) shall install equipment to prevent discharge of oil (hereinafter referred to as the "oil pollution prevention equipment") or keep waste oil storage container in the ship as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries and make his ship conformable with structure standards and stability standards set by the Ordinance of the Ministry of Maritime Affairs and Fisheries to prevent marine pollution. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

(2) The oil pollution prevention equipment pursuant to the provisions of paragraph (1) shall be obtained from approval, official approval or authorization from the Minister of Maritime Affairs and Fisheries under the provisions of Article 64 (1), (4) and (5). *<Amended by Act No. 5336, Apr. 10, 1997>*

(3) The oil pollution prevention equipment pursuant to the provisions of paragraph (1) shall be

maintained and operated as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997>

Article 7 (Restriction on Loading of Water Ballast or Oil)

(1) No water ballast shall be loaded in the cargo space of an oil tanker prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries and in the fuel oil tank of a ship prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries, on which the oil pollution prevention equipment pursuant to the provisions of Article 6 (1) is installed: *Provided*, That this shall not apply to the case as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries for the purpose of securing the safety of a ship, or the case of a test run of a new ship.

<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

(2) No oil shall be loaded in the bow tank and a tank located ahead of the collision bulkhead of a ship as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997>

Article 8 (Disposal, etc. of Oily Mixture and Waste Oil in Ship)

(1) Any oily mixture and waste oil produced in a ship shall be stored in the ship, and then shall be disposed of by the self-disposal facilities pursuant to the provisions of Article 45, or delivered to a prevention and removal or cleaning business operator pursuant to the provisions of Article 37 or a person who operates the storage facilities pursuant to the provisions of Article 46, as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries, except in case of discharge under Article 5 (2) through (4). <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

(2) Any owner of a ship who intends to burn up oily mixture, waste oil and other pollutants generated in a ship, shall install an incineration facility in the ship in conformity to the standards as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997>

(3) The provisions of paragraph (1) shall not to apply to the case where oily mixtures and waste oil referred to in paragraph (1) are disposed of on the land in accordance with the Water Quality Conservation Act and the Wastes Control Act. <Newly Inserted by Act No. 5915, Feb. 8, 1999>

Article 9 (Oil Record)

(1) The master of a ship (referred to the owner of a ship in case of a towed ship) shall keep an oil record in the ship (referred to the owner's office in case of a towed ship) and record the quantity, etc. of used oil: *Provided*, That this shall not apply to a ship other than an oil tanker, which is prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

(2) The period for keeping the oil record pursuant to the provision of paragraph (1) shall be three

years after the last entry is made, and the matters to be entered, method of keeping and other necessary matters shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997>

Article 10 (Keeping, etc. of Contingency Plans against Oil Pollution)

(1) The owner of a ship (excluding a towed ship) shall prepare a contingency plan against oil pollution on the measures to be taken in case where the oil is discharged in the sea, and keep it in the ship after obtaining the seal of approval of the Commissioner of the National Maritime Police Agency.

(2) The scope of the ships liable for keeping the contingency plans against oil pollution pursuant to the provisions of paragraph (1), matters to be specified and other necessary matters shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997>

[This Article Wholly Amended by Act No. 5098, Dec. 29, 1995]

SECTION 2 Regulation of Discharge of Harmful Liquid Substances, etc. from Ships

Article 11 (Prohibition of Discharge of Harmful Liquid Substances from Ships)

(1) No person shall commit an act discharging any harmful liquid substance in the sea from a ship: *Provided*, That this shall not apply to the discharge falling under any of the following subparagraphs:

1. An inevitable discharge of harmful liquid substance made for securing the safety of the ship or life; and
2. A continuous discharge of harmful liquid substances generated by the damage of ships or other inevitable reasons, even though all possible measures were taken for preventing such discharge.

(2) The provisions of the purview of paragraph (1) shall not apply to the case where the water ballast purified in the purifying method as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries is discharged from the cargo space (including equipment for discharge of the water ballast) used for loading and transporting the harmful liquid substances as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997>

(3) The provisions of the purview of paragraph (1) shall not apply to the case where any harmful liquid substances are discharged in a discharging marine area prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries in the methods of pre-treatment and discharge prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries (excluding the discharge of the water ballast pursuant to the provisions of paragraph (2)). <Amended by Act No.

5336, Apr. 10, 1997>

Article 12 (Installation, etc. of Equipment for Prevention of Discharge of Harmful Liquid Substances into Sea)

(1) Any owner of a ship shall install in the ship which loads and transports any harmful liquid substances and prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries, the equipment for storing or treating such substances in the ship or for preventing any marine pollution due to such substances (hereinafter referred to as the "harmful liquid substance pollution prevention equipment") in conformity to the installation standards as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997>

(2) The cargo space of a ship which loads and transports harmful liquid substances and prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries shall be installed to meet the standards as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries for preventing the discharge of a large quantity of harmful liquid substances in case where a collision, stranding and other accidents take place. <Amended by Act No. 5336, Apr. 10, 1997>

(3) The owner of a ship pursuant to the provisions of paragraph (1) shall prepare a guideline on the method and equipment for discharging harmful liquid substances in conformity to the standards prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries and provide it for the master of the ship, after obtaining the seal of approval of the Minister of Maritime Affairs and Fisheries. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

Article 13 (Record of Harmful Liquid Substances)

(1) The master of a ship (referred to the owner of a ship in case of a towed ship) shall keep a record of harmful liquid substances in the ship (referred to the office of the owner of a ship in case of a towed ship) and enter therein the quantity, etc. of transportation of the harmful liquid substances.

(2) The period of keeping of the harmful liquid substances record pursuant to the provisions of paragraph (1) shall be three years after the last entry is made, and the matters to be entered, the methods of keeping and other necessary matters shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997>

Article 14 Deleted. <by Act No. 5915, Feb. 8, 1999>

Article 15 (Application of Provisions of International Convention)

If the classification of harmful liquid substances as prescribed by the international convention is different from that of this Act, it shall be subject to the provisions of the International Convention for the Prevention of Pollution from Ships in 1973 and Annex II of the Protocol in 1978 relating to the said Convention (hereinafter referred to as the "International Convention").

Article 15-2 (Transportation of Harmful Substances in Packaged Form)

Any person who intends to transport by ship harmful substances in packaged form shall transport them in conformity with such requirements for packaging, indication, loading method, etc. as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997>

[This Article Newly Inserted by Act No. 5098, Dec. 29, 1995]

Article 15-3 (Prohibition of Discharge of Harmful Substances in Packaged Form from Ships)

No person shall commit an act discharging harmful substances in packaged form from a ship at the sea: *Provided*, That this shall not apply to the discharge falling under any of the following subparagraphs:

1. An inevitable discharge of harmful substances in packaged form for the purpose of securing the safety of the ship or saving a life; and
2. A continuous discharge of harmful substances in packaged form resulting from damage to the ship or other inevitable reason, even though all possible measures to prevent it were taken.

[This Article Newly Inserted by Act No. 5098, Dec. 29, 1995]

SECTION 3 Regulation of Discharge of Wastes from Ships

Article 16 (Prohibition of Discharge of Wastes from Ships)

(1) No person shall commit an act discharging wastes from a ship at the sea: *Provided*, That this shall not apply to the discharge falling under any of the following subparagraphs:

1. An inevitable discharge of wastes for the purpose of securing the safety of ship or saving a life; and
2. A continuous discharge of wastes resulting from damage to the ship or other inevitable cause, even though all possible measures to prevent it were taken.

(2) The provisions of the purview of paragraph (1) shall not apply to the case where wastes such as excretions, etc. caused from the daily lives of the crew, passengers, etc. in a ship are discharged in conformity to the disposal standards and method prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries into the sea area prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

(3) The provisions of the purview of paragraph (1) shall not apply to the case where wastes are discharged at a place to be reclaimed with a license pursuant to the provisions of Article 9 of the Public Waters Reclamation Act in conformity to the disposal standards and method as prescribed by the Ordinance of the Ministry of the Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>

(4) The provisions of the purview of paragraph (1) shall not apply to the case where wastes which

are so difficult to dispose of on the land that they are discharged into the sea area where it is possible to discharge such wastes in conformity with the disposal standards and method as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. In this case the kinds of wastes which may to be discharged at the sea, the scope of discharging sea area, procedure for designating such discharging sea area for the discharger and other necessary matters shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>

Article 17 (Installation, etc. of Equipment for Preventing Discharge of Wastes at Sea)

(1) Any owner of the ship shall install in the ship the equipment to store or dispose of wastes such as excretion, etc. caused from a ship (hereinafter referred to as the "wastes pollution prevention equipment") in conformity to the installation standards as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5336, Apr. 10, 1997>*

(2) The waste pollution prevention equipment pursuant to the provisions of paragraph (1) shall be obtained from approval, official approval or authorization from the Minister of Maritime Affairs and Fisheries under Article 64 (1), (4) and (5). *<Amended by Act No. 5336, Apr. 10, 1997>*

Article 17-2 (Disposal, etc. of Wastes)

(1) Any wastes generated in a ship shall be stored in the ship, and then disposed of in the self-disposal facilities pursuant to the provisions of Article 45, or delivered to the prevention and removal or cleaning business operator pursuant to the provisions of Article 37 or a person operating the storage facilities pursuant to the provisions of Article 46, except in the cases of discharge pursuant to the provisions of Article 16 (2) through (4).

(2) The provisions of paragraph (1) shall not apply to the case where wastes referred to in paragraph (1) are disposed of on the land in accordance with the Wastes Control Act, the Water Quality Conservation Act and the Act on the Disposal of Sewage, Excreta and Livestock Wastewater. *<Newly Inserted by Act No. 5915, Feb. 8, 1999>*

[This Article Newly Inserted by Act No. 5098, Dec. 29, 1995]

Article 18 (Business of Discharging Wastes into Sea)

Any person who intends to carry on the business of discharging wastes which are hard to dispose of on the land under the provisions of Article 16 (4) into the sea area according to treatment standards and methods prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries (hereinafter referred to as "business of discharging wastes into the sea") shall have waste transport ships, facilities, manpower and equipment which are all in conformity with standards prescribed by the Presidential Decree and then file a registration with the Minister of Maritime Affairs and Fisheries.

[This Article Wholly Amended by Act No. 5915, Feb. 8, 1999]

Article 19 (Report on Alteration, etc.)

(1) Deleted. *<by Act No. 5915, Feb. 8, 1999>*

(2) The Minister of Maritime Affairs and Fisheries may, where a person who has registered his business of discharging wastes into the sea pursuant to the provisions of Article 18 (hereinafter referred to as the "operator of the business of discharging waste into the sea) stores wastes he has been commissioned to dispose of under the provisions of Article 23 without disposing of them as commissioned in storage facilities, etc., order him to treat such wastes properly. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

Article 20 (Disqualifications)

Any person falling under each of the following subparagraphs shall be prohibited from registering his business of discharging waste into the sea: *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5915, Feb. 8, 1999>*

1. A person of incompetenct or quasi-incompetenct;
2. A person who is not yet reinstated after he has been declared bankrupt;
3. A person for whom two years have yet to elapse after the registration of his business of discharging waste into the sea has been cancelled;
4. A person who has been sentenced to a penalty heavier than imprisonment in contravention of this Act, and for whom two years have not passed after the execution of such sentence was terminated or it became definite not to execute the sentence; and
5. A corporation that has a person falling under following suparagraphs 1 through 4 from among its officers.

Article 21 (Cancellation of Registration)

(1) The Minister of Maritime Affairs and Fisheries may, where any operator of the business of discharging waste into the sea falls under any of the following subparagraphs, cancel his registration or order him to suspend his business for a fixed period not exceeding six months: *Provided, That if he falls under following subparagraph 1 or 2, the registration shall be cancelled: <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

1. Where he falls under any of the subparagraphs of Article 20: *Provided, That this shall not apply to the case where any of the officers of a corporation falls under subparagraph 5 of Article 20 and he is replaced within six months;*
2. Where he makes the registration in a fraud or unlawful manner;
3. Where he has faced the disposition taken to suspend his business not less than twice a year;
4. Where he commits an act discharging wastes into the sea in contravention of the provisions of

Article 16 (4);

5. Where he fails to commence his business within one year after registration or continues to show no business records for not less than one year;

5-Where he falls short of registration requirements under the provisions of Article 18; and

2.

6. Where he violates this Act or any order issued under this Act.

(2) Deleted. <by Act No. 5098, Dec. 29, 1995>

Article 22 (Waste Disposal Record)

(1) The master of a waste transport ship pursuant to the provisions of Article 18 and of a ship larger than such scale as determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries shall keep the waste record in the ship concerned and record therein the waste disposal quantity, etc. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

(2) The period of keeping waste record pursuant to the provisions of paragraph (1) shall be three years after the last entry is made, and the matters to be entered, the methods of keeping and other necessary matters shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

Article 23 (Obligation of Person Commissioned to Dispose of Wastes)

(1) Any person who intends to commission an operator to do the business of discharging waste resulting from the business activity such as manufacturing products, etc. shall file a report with the Minister of Maritime Affairs and Fisheries as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. The same shall apply to the case where such person intends to alter reported matters. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>

(2) Any wastes, the disposal of which are commissioned under the provisions of paragraph (1), shall be those dischargeable into the sea under Article 16 (4) and consistent with treatment standards under the same provisions of the same Article. <Amended by Act No. 5915, Feb. 8, 1999>

CHAPTER III INSPECTION, ETC. OF MARINE POLLUTION PREVENTION EQUIPMENT, ETC. FOR SHIPS

Article 24 (Inspection)

(1) Any owner of a ship which is to be installed with oil pollution prevention equipment, harmful liquid substance pollution prevention equipment or waste pollution prevention equipment pursuant to the provisions of Article 6 (1), 12 (1) or 17 (1) (hereinafter referred to as the "marine pollution prevention equipment") and a ship which is to be installed with a cargo space satisfying the

standards pursuant to the provisions of Article 12 (2) (hereinafter referred to as the "ship to be inspected"), shall undergo the following categories of inspection conducted by the Minister of Maritime Affairs and Fisheries on such marine pollution prevention equipment or cargo space (hereinafter referred to as the "marine pollution prevention equipment, etc.") as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries: *<Amended by Act No. 5336, Apr. 10, 1997>*

1. Regular inspection: a close inspection conducted when a person desires to use the ship for navigation with the marine pollution prevention equipment, etc. installed in the ship for the first time, or when the validity period pursuant to the provisions of Article 30 expires;
2. Interim inspection: a simple inspection conducted at a time prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries between regular inspections;
3. Temporary inspection: an inspection conducted when a marine pollution prevention equipment, etc. is replaced, reconstructed or repaired; and
4. Temporary navigation inspection: an inspection conducted when any person intends to use temporarily a ship for navigation before the marine pollution prevention certificate is delivered pursuant to the provisions of Article 25 is delivered.

(2) With respect to marine pollution prevention equipment to which a certification has been given under the provisions of Article 64 (4), part of the inspection conducted pursuant to the provisions of paragraph (1) may be omitted as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Newly Inserted by Act No. 5915, Feb. 8, 1999>*

Article 25 (Delivery of Marine Pollution Prevention Certificate, etc.)

(1) The Minister of Maritime Affairs and Fisheries shall deliver a marine pollution prevention certificate or provisional marine pollution prevention certificate to the owner of a ship who has passed the regular inspection or temporary navigational inspection pursuant to the provisions of Article 24. *<Amended by Act No. 5336, Apr. 10, 1997>*

(2) The delivery of the marine pollution prevention certificate or provisional marine pollution prevention certificate pursuant to the provisions of paragraph (1) and other necessary matters shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5336, Apr. 10, 1997>*

Article 26 (Delivery, etc. of Convention Certificate)

(1) When a owner of a ship who has passed the inspection pursuant to the provisions of Article 24 applies for a delivery of a marine pollution prevention certificate under the International Convention (hereinafter referred to as the "convention certificate") to use the ship in question for any international navigation, the Minister of Maritime Affairs and Fishries shall deliver it as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act*

No. 5336, Apr. 10, 1997>

(2) If a Korean owner or master of a ship to be inspected intends to have a convention certificate delivered from the government of a foreign country which is a party to the International Convention (hereinafter referred to as the "party to the Convention"), he shall apply it via the consul of the Republic of Korea to the foreign country concerned.

(3) In case where any government of a party to the Convention requests to deliver the convention certificate to a ship of such country, the Minister of Maritime Affairs and Fisheries may conduct an inspection on such ship pursuant to the provisions of Article 24 and deliver the convention certificate to the owner of a ship or master concerned. *<Amended by Act No. 5336, Apr. 10, 1997>*

(4) The convention certificate delivered under the provisions of paragraphs (1) through (3) shall be considered as a marine pollution prevention certificate pursuant to the provisions of Article 25 (1).

Article 27 (Navigation, etc. of Ship to be Inspected)

(1) No owner of a ship shall use for navigation a ship to be inspected, which fails to have a marine pollution prevention certificate or provisional marine pollution prevention certificate delivered.

(2) No owner of a ship shall use for international navigation a ship to be inspected, which fails to have a convention certificate delivered.

(3) No owner of a ship shall use a ship for navigation in a manner not consistent with the conditions as specified in a marine pollution prevention certificate, provisional marine pollution prevention certificate or convention certificate (hereinafter referred to as the "marine pollution prevention certificate, etc.").

(4) The provisions of paragraphs (1) and (3) shall not apply to the case of a test run for the purpose of undergoing an inspection on the marine pollution prevention equipment, etc. pursuant to the provisions of Article 24, or inspection of ships pursuant to the provisions of Article 5 (1) of the Ship Safety Act. *<Amended by Act No. 4559, Jun. 11, 1993; Act No. 5470, Dec. 17, 1997>*

(5) Any owner of a ship who has the marine pollution prevention certificate, etc. delivered shall keep it in the ship.

Article 28 (Vicarious Execution of Inspection, etc.)

(1) The Minister of Maritime Affairs and Fisheries may designate a person recognized as capable of performing the business falling under each of the following subparagraphs and let him perform such business by proxy:

1. The business of obtaining the seal of approval for guidelines on the methods and equipment for discharging harmful liquid substances under the provisions of Article 12 (3);
2. The business of inspecting sea pollution prevention equipment under the provisions of Article 24;
3. The business of delivering the sea pollution prevention certificate under the provisions of

Articles 25 and 26; and

4. The business of extending the validity period of the sea pollution prevention certificate, etc. under the provisions of Article 30 (2).

(2) The Commissioner of the National Maritime Policy Agency may designate any person recognized as capable of performing the business of certifying the oil pollution contingency plans and let him perform such business by proxy.

(3) The Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency may, where any person designated in accordance with the provisions of paragraph (1) or (2) is found to fall short of designation requirements, cancel his designation.

(4) Designation requirements for a person to vicariously act, guidance and supervision, and other matters shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

[This Article Wholly Amended by Act No. 5915, Feb. 8, 1999]

Article 29 (Measures against Unseaworthy Ships)

(1) If the Minister of Maritime Affairs and Fisheries deems that the marine pollution prevention equipment, etc. fails to meet the standards for installation pursuant to the provisions of Article 6, 12 or 17, he may order the owner of a ship to replace, reconstruct or repair such marine pollution prevention equipment, etc., and to take other necessary measures. *<Amended by Act No. 5336, Apr. 10, 1997>*

(2) If it is deemed that an owner of a ship fails to carry out the order pursuant to the provisions of paragraph (1) without any justifiable reason, and continues to use the ship for navigation so that the preservation of the marine environment might be affected adversely, the Minister of Maritime Affairs and Fisheries may make a disposition to suspend the navigation of the ship. *<Amended by Act No. 5336, Apr. 10, 1997>*

Article 30 (Validity Period of Marine Pollution Prevention Certificate, etc.)

(1) The validity period of the marine pollution prevention certificate, etc. (excluding the provisional marine pollution prevention certificate; hereafter the same shall apply in paragraph (2)) shall be five years: *Provided*, That the reckoning criteria of the validity period shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5336, Apr. 10, 1997>*

(2) The Minister of Maritime Affairs and Fisheries may extend, as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries, the validity at the expiration of the validity period of the marine pollution prevention certificate, etc. within the limits of the period prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5336, Apr. 10, 1997>*

Article 31 (Reinspection)

(1) If a person who has undergone an inspection on the marine pollution prevention equipment, etc. pursuant to the provisions of Article 24 is dissatisfied with the results of such inspection, he may request a reinspection to the Minister of Maritime Affairs and Fisheries with the reason thereof specified within sixty days after he is notified of the results. <Amended by Act No. 5336, Apr. 10, 1997>

(2) No person requesting a reinspection pursuant to the provisions of paragraph (1) shall alter the original state of parts concerned in the marine pollution prevention equipment, etc. without obtaining the permission of the Minister of Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997>

Article 32 (Special Cases for Foreign Ships)

The provisions of Articles 24, 25 and 27 through 31 and 54 shall not apply to ships (hereinafter referred to "foreign ships") other than ships of the Republic of Korea under the provisions of Article 2 of the Ship Act, which engage in international navigation.

[This Article Wholly Amended by Act No. 5915, Feb. 8, 1999]

Article 33 (Supervision over Foreign Ships)

(1) If it is deemed that the marine pollution prevention equipment, etc. installed in a foreign ship which is in a harbor or on the coast of the Republic of Korea fails to meet the technical standards under the International Convention, the Minister of Maritime Affairs and Fisheries may order the master of the ship to replace, reconstruct or repair the marine pollution prevention equipment, etc. and to take other necessary measures. <Amended by Act No. 5336, Apr. 10, 1997>

(2) The provisions of Article 29 (2) shall apply *mutatis mutandis* to the case as referred to in paragraph (1).

Article 33-2 (Prior Application of International Conventions)

Where the provisions of international conventions with respect to marine pollution prevention equipment and inspections are different from the provisions of this Act, the provisions of such international conventions shall prevail.

[This Article Newly Inserted by Act No. 5915, Feb. 8, 1999]

CHAPTER IV REGULATION OF DISCHARGE OF OIL, HARMFUL LIQUID SUBSTANCES OR WASTES FROM MARINE INSTALLATIONS, ETC.

Article 34 (Prohibition, etc. of Discharge of Oil, Harmful Liquid Substances or Wastes from Marine Installations, etc.)

(1) No person shall perform an act of discharging oil, harmful liquid substances or wastes (hereinafter referred to as "wastes such as oil , etc.") from marine installations or places prescribed

by the Presidential Decree (hereinafter referred to as "marine installations, etc"): *Provided*, That the same shall not apply to the case falling under any of the following subparagraphs: *<Amended by Act No. 5915, Feb. 8, 1999>*

1. An inevitable discharge of wastes such as oil, etc. for the purpose of securing the safety of marine installations or saving a life; and
 2. A continuous discharge of wastes such as oil, etc. resulting from damage of marine installations, etc. or any other inevitable reason even though all possible measures to prevent it were taken.
- (2) The provisions of the purview of paragraph (1) shall not be applicable to the case where wastes, such as excretion, etc., generated from the daily lives of persons in marine installations, etc. are discharged into the sea areas prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries in accordance with the disposal criteria and methods prescribed by the ordinance of the ministry of maritime affairs and fisheries. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*
- (3) The provisions of the purview of paragraph (1) shall not be applicable to the case where oil, harmful liquid substances, or wastes pursuant to the provisions of Article 16 (4) is discharged in accordance with to the disposal criteria and methods prescribed by the Ordinance of the Minister of Maritime Affairs and Fisheries. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>*
- (4) The provisions of the purview of paragraph (1) shall not be applicable to the case where wastes such as slag, etc. generated from marine installation , etc. other than those as referred to in paragraph (2) are discharged into the sea areas prescribed by the Ordinance of the Minister of Maritime Affairs and Fisheries in accordance with such disposal criteria and methods as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*
- (5) Wastes such as oil, etc. generated from marine installations, etc. shall be disposed of by self-disposal facilities pursuant to the provisions of Article 45, or delivered to a prevention and removal or cleaning business operator pursuant to the provisions of Article 37 or to a person who operates the storage facility pursuant to the provisions of Article 46, except in case of discharge pursuant to the provisions of paragraphs (2) through (4). *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5915, Feb. 8, 1999>*
- (6) The provisions of paragraph (5) shall not apply to the case where wastes such as oil , etc. from the marine installations, etc. are treated on the land in accordance with the Wastes Control Act, the Water Quality Conservation Act or the Act on the Disposal of Sewage, Excreta and Livestock Wastewater. *<Newly Inserted by Act No. 5915, Feb. 8, 1999>*

Article 35 Deleted. *<by Act No. 5915, Feb. 8, 1999>*

Article 36 (Wastes such as Oil, etc. Record and contingency Plans against Oil Pollution in Marine Installations)

(1) Any person who installs and operates any marine installations dealing with wastes such as oil, etc. shall keep the record of wastes such as oil, etc. in the marine installations to record the quantity, etc. of used oil, and shall prepare and keep the contingency plans against oil pollution on the measures to be taken in case of discharge of oil into the sea by obtaining the seal of approval of the Commissioner of the National Maritime Police Agency: *Provided*, That if it is difficult to keep it in the marine installations, it may be kept in the office of marine installation manager. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>*

(2) The period of keeping the wastes such as oil, etc. record pursuant to the provisions of paragraph (1) shall be two years after the last entry is made therein, and the matters to be entered, the methods of keeping and other necessary matters shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

(3) The scope of the marine installations in which the contingency plans against oil pollution are to be kept, the matters to be specified therein and other necessary matters pursuant to the provisions of paragraph (1) shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Newly Inserted by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>*

**CHAPTER V PREVENTION AND REMOVAL OR CLEANING
BUSINESS, ETC.**

Article 37 (Registration of Prevention and Removal or Cleaning Business)

(1) Any person who intends to operate a business which falls under any of the following subparagraphs shall register it with the Commissioner of the National Maritime Police Agency, as prescribed by the Presidential Decree: *<Amended by Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

1. Prevention and removal business: business removing wastes such as oil, etc. which are or might be discharged at the sea with the facilities and equipment necessary for prevention and removal; and
2. Oil hold cleaning business: business cleaning the hold and collecting the waste oil of a ship, with facilities and equipment necessary for the hold cleaning and waste oil collection and removal.

(2) The standards of facilities for the prevention and removal business or oil hold cleaning business pursuant to the provisions of paragraph (1) (hereinafter referred to as the "prevention and removal or cleaning business"), and other necessary matters shall be determined by the Ordinance of the

Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5336, Apr. 10, 1997>*

[This Article Wholly Amended by Act No. 5098, Dec. 29, 1995]

Article 38 (Disqualifications for Registration)

No person who falls under any of the following subparagraphs may make a registration of prevention and removal or cleaning business under this Act: *<Amended by Act No. 5098, Dec. 29, 1995>*

1. Person of incompetenct or quasi-incompetenct;
2. Person who is declared bankrupt and is not yet reinstated;
3. Person who has been sentenced to a penalty heavier than imprisonment in contravention of this Act, and for whom two years have not passed after the execution of the sentence was terminated or it became definite not to execute the sentence;
4. Person whose registration for the prevention and removal or cleaning business was cancelled under Article 44, and for whom two years have not passed thereafter; and
5. Corporation any of whose officers falls under any of subparagraphs 1 through 4.

Article 39 Deleted. *<by Act No. 5098, Dec. 29, 1995>*

Article 40 (Disposal of Removed Wastes such as Oil, etc.)

(1) Any person who has collected wastes such as oil, etc. generated from ships or marine installations, etc. or discharged into the sea, shall deliver them to the person operating the storage facilities pursuant to the provisions of Article 46, or entrust them to the operator of the business of treating wastes under the Wastes Control Act, the operator of the business of treating wastewater under the Water Quality Conservation Act or the operator of the business of treating excreta under the Act on the Disposal of Sewage, Excreta and Livestock Wastewater. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5915, Feb. 8, 1999>*

(2) Deleted. *<by Act No. 5915, Feb. 8, 1999>*

Articles 41 and 42 Deleted. *<by Act No. 5915, Feb. 8, 1999>*

Article 43 (Order to Treat Wastes such as Oil, etc.)

The Commissioner of the National Maritime Police Agency may, when any prevention and removal or cleaning business operator who has suspended his business or ceased to do his business stores untreated wastes such as oil, etc. in storage facilities, etc., order him to treat the wastes such as oil, etc concerned properly.

[This Article Wholly Amended by Act No. 5915, Feb. 8, 1999]

Article 44 (Cancellation of Registration of Prevention and Removal or Cleaning Business)

(1) If any prevention and removal or cleaning business operator falls under any of the following subparagraphs, the Commissioner of the National Maritime Police Agency may cancel the registration or order him to suspend his business for a fixed period not exceeding 6 months:

Provided, That where he falls under subparagraph 1, his registration shall be canceled: <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>

1. Where he falls under any of subparagraphs of Article 38: *Provided*, That this shall not apply to the case where any of the officers of a corporation falls under subparagraph 5 of Article 38 but is replaced within six months;
2. Where he violates this Act or any order issued under this Act; and
3. Where he fails to carry out the registered matters without any justifiable reason.

(2) Deleted. <by Act No. 5098, Dec. 29, 1995>

Article 45 (Self-Disposal Facilities)

(1) If an owner of any marine installations intends to dispose in his marine installations, of wastes such as oil, etc., produced in the course of be supplied with the oil and harmful liquid substances from ships or supplying them to ships, or an owner of a ship intends to install on land the facilities to dispose of wastes such as oil, etc., produced from his ships (hereinafter referred to as "self-disposal facilities"), he may install and operate such self-disposal facilities on the land. <Amended by Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>

(2) through (4) Deleted. <by Act No. 5915, Feb. 8, 1999>

[This Article Wholly Amended by Act No. 5098, Dec. 29, 1995]

Article 46 (Installation and Operation of Storage Facilities)

(1) Any person who installs and operates facilities to store wastes such as oil, etc. discharged into the sea (hereinafter referred to as "storage facilities") shall turn over such oil and wastes, etc. stored by him to the operator of the business of treating wastes under the Wastes Control Act or the operator of the business of treating wastewater under the Water Quality Conservation Act.

(2) Any person who installs and operates the storage facilities shall keep a management ledger of wastes such as oil, etc. and record the takeover, transfer and storage quantity, etc. thereof and keep such records.

(3) Standards for installing the storage facilities, entries of the management ledger referred to in paragraph (2) and the preservation period of such management ledger shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

(4) The harbor management office shall install and operate the storage facilities in a port to store wastes such as oil, etc. leaking from ships entering into and out of a port or from the marine facilities.

[This Article Wholly Amended by Act No. 5915, Feb. 8, 1999]

Article 46-2 (Removal and Disposal of Sea Wastes)

(1) The sea area management office shall work out and implement a plan for removal and disposal of sea wastes to efficiently remove and dispose of wastes flowing into the sea from the land or

occurring at the sea as prescribed by the Presidential Decree.

(2) The sea area management office may operate ships or disposal facilities necessary to remove and dispose of the wastes referred to in paragraph (1).

(3) In removing and disposing of marine wastes, the sea area management office may have any person responsible for such sea wastes bear expenses required for the removal and disposal of such sea wastes as prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 5915, Feb. 8, 1999]

Article 46-3 (Shares of Improvement of Marine Environments)

(1) The Minister of Maritime Affairs and Fisheries shall levy and collect the shares of improvement of marine environment (hereinafter referred to as the "shares") on the project which affects significantly the marine environment and ecosystems and which falls under any of the following subparagraphs:

1. An act of discharging wastes into the sea by the operator of business of discharging wastes into the sea; and
2. Other acts of discharging oils, etc. in excess of the scales as prescribed by the Presidential Decree.

(2) The Minister of Maritime Affairs and Fisheries may abate or exempt the shares for the projects executed by the State, local governments, or public agencies, and other projects for the national defense purpose or for important public interests as prescribed by the Presidential Decree.

(3) The Minister of Maritime Affairs and Fisheries shall contribute the shares under paragraph (1) to the fisheries development fund under Article 22 of the Special Act on Assistance to Fisherman, etc. and Development of Fisheries following the Conclusion of Fisheries Agreement.

(4) Matters necessary for the computation, criteria for abatement and exemption and procedures for levy and collection of the shares under paragraph (1) shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 6515, Sep. 12, 2001]

Article 46-4 (Compulsory Collection of Shares)

(1) The Minister of Maritime Affairs and Fisheries shall, where a person liable to pay the shares under Article 46-3 fails to pay them within the time limit for such payment, urge him to pay them with fixing the period for 30 or more days. In such case, with respect to the shares in arrears, an additional charge equivalent to 5/100 shall be levied to them.

(2) Where a person urged under paragraph (1) fails to pay the shares and additional charges within the time limit, they may be collected by referring to the practices of dispositions on default of national taxes.

(3) The Minister of Maritime Affairs and Fisheries shall contribute the additional charges under paragraph (1) to the fisheries development fund under Article 22 of the Special Act on Assistance

to Fisherman, etc. and Development of Fisheries following the Conclusion of Fisheries Agreement.
[This Article Newly Inserted by Act No. 6515, Sep. 12, 2001]

CHAPTER VI MEASURES FOR PREVENTION AND REMOVAL OF MARINE POLLUTION

Article 47 (Report on Discharge of Wastes such as Oil, etc. in Large Quantities)

(1) In case where wastes such as oil, etc., are discharged into the sea in excess of the standards determined by the Presidential Decree, and where it is likely that the wastes such as oil, etc. might be discharged in excess of the standard quantity, a person who falls under any of the following subparagraphs shall report it without delay to the Commissioner of the National Maritime Police Agency: <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

1. Master of a ship or manager of facilities in which discharged wastes such as oil, etc. are or were loaded;
2. Person who is not engaged in the ship or facilities, and has committed an act causing a discharge of wastes such as oil, etc.; and
3. Person who finds that wastes such as oil, etc. are spread on the surface of the sea.

(2) Matters to be reported under paragraph (1) shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5336, Apr. 10, 1997>

Article 48 (Measures for Prevention and Removal in Case of Discharge of Wastes such as Oil, etc.)

(1) In case where wastes such as oil, etc. are discharged, a person who falls under any of the following subparagraphs shall take emergency measures to prevent continuous discharge of wastes such as oil, etc. which are being discharged, prevent the spread of the discharged wastes such as oil, etc. and remove them (hereinafter referred to as the "prevention and removal") as prescribed by the Presidential Decree: <Amended by Act No. 5098, Dec. 29, 1995>

1. Master of a ship or manager of facilities in which discharged wastes such as oil, etc. are or were loaded; and
2. Person who is not engaged in the ship or facilities and has committed an act causing a discharge of the wastes such as oil, etc.

(2) In case where wastes such as oil, etc. are discharged, a person who falls under any of the following subparagraphs shall immediately take necessary measures for the prevention and removal such as rapid collecting, disposal, etc. of wastes such as oil, etc. discharged as prescribed by the Presidential Decree: <Amended by Act No. 5098, Dec. 29, 1995>

1. Owner of a ship in which discharged wastes such as oil, etc. are or were loaded (in case of a chartered ship, it refers to the charterer of the ship; hereinafter the same shall apply) or person

who installs the facilities (in case the facilities are leased, it refers to the lessee of the facilities; hereinafter the same shall apply); and

2. Employer of a person, other than those falling under subparagraph 1, who commits an act of causing a discharge of wastes such as oil, etc. in connection with his business.
- (3) If it is deemed that a person who falls under any of the subparagraphs of paragraph (2) fails to take any prevention and removal measures under paragraph (2), the Commissioner of the National Maritime Police Agency may order him to take such measures. *<Amended by Act No. 5336, Apr. 10, 1997>*
- (4) In case where wastes such as oil, etc. are discharged from a ship which is in or near a harbor, a person who falls under any of the following subparagraphs shall cooperate positively in taking measures as referred to in paragraphs (1) and (2): *<Amended by Act No. 5098, Dec. 29, 1995>*
 1. Where the harbor in question is a loading harbor of discharged wastes such as oil, etc., the consignor of the wastes such as oil, etc. in question;
 2. Where the harbor in question is a unloading harbor of discharged wastes such as oil etc., a consignee of the wastes such as oil, etc. in question; and
 3. Where it takes place while the ship is moored, the manager of the mooring facilities in question.
- (5) Materials and chemicals used for the prevention and removal of wastes such as oil, etc. under paragraphs (1) and (2) shall be those which have obtained form approval, official approval or authorization from the Commissioner of the National Maritime Police Agency under the provisions of Article 64 (2), (4) and (5): *Provided, That the same shall not apply to materials which are not subject to the form approval. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

Article 48-2 (Measures, etc. in Case where Wastes such as Oil, etc., Likely to be Discharged)

- (1) In case where wastes such as oil, etc. are likely to be discharged due to accidents such as stranding, collision, sinking, fire, etc., the owner or master of the ship concerned or the installer or manager of the marine installations concerned shall take measures to prevent the discharge of the wastes such as oil, etc. as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5336, Apr. 10, 1997>*
- (2) The Commissioner of the National Maritime Police Agency may, where the owner or master of the ship concerned or the installer or manager of the marine facilities concerned fails to take measures to prevent wastes such as oil, etc. from discharging, may order him to take such measures. *<Newly Inserted by Act No. 5915, Feb. 8, 1999>*
- (3) The Commissioner of the National Maritime Agency may, where the person under an order given pursuant to the provisions of paragraph (1) fails to execute such order, take measures to prevent oil and wastes, etc. from discharging. In this case, the owner of the ship concerned, the installer or the manager of the facilities concerned shall bear expenses necessary to take such

measures. *<Newly Inserted by Act No. 5915, Feb. 8, 1999>*

[This Article Newly Inserted by Act No. 5098, Dec. 29, 1995]

Article 49 (Keeping of Materials and Chemicals)

(1) In order to prevent and remove discharged wastes such as oil, etc., the harbor management office, owner of a ship or person who installs marine installations shall keep materials and chemicals which have obtained form approval, official approval or authorization in such ships, marine installations or storage facilities.

(2) The scope of ships, marine installations or storage facilities (including custody facilities is established and operated by Korea Marine Pollution Response Corporation under the provisions of Article 52 (2)) in which materials and chemicals are to be kept under the provisions of paragraph (1), the criteria on kinds, quantities, methods of keeping, etc. of materials and chemicals to be kept shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>*

(3) Deleted. *<by Act No. 5915, Feb. 8, 1999>*

Article 49-2 (Disposition of Response Ship, etc.)

(1) The owner of oil tanker or oil storage facilities prescribed by the Presidential Decree (in case of a lease, it refers to the lessee) shall dispose (including installing; hereinafter the same shall apply) the response ship or equipment (hereinafter referred to as the "response ship, etc.") for providing against any oil spill accident into the sea areas prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries in accordance with the criteria prescribed by the Presidential Decree. *<Amended by Act No. 5336, Apr. 10, 1997>*

(2) Any person obliged to position his response ship, etc. under the provisions of paragraph (1) may position such ship jointly with other person obliged to do so as prescribed by the Presidential Decree, or entrust the disposition of such response ship in the sea area concerned with any other person in possession of the response ship, etc. which is in conformity with standards set by the Presidential Decree to position such ship in the sea area. *<Amended by Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

(3) The Commissioner of the National Maritime Police Agency may order a person who fails to dispose the response ship, etc. pursuant to paragraph (1) to prohibit the entry into or departure from a port or to suspend the use of facilities. *<Newly Inserted by Act No. 5336, Apr. 10, 1997>*

(4) An owner (in case of a lease, it refers to a lessee) of a ship (excluding oil tankers) whose gross tonnage exceeds ten thousand tons or more and which navigates through the sea area, where the response ship, etc. shall be disposed pursuant to paragraph (1), shall dispose the response ship, etc., under the criteria as prescribed by the Presidential Decree, by way of precaution against oil spill accidents, or shall designate a person who meets the criteria as prescribed by the Presidential

Decree from among persons having registered for the prevention and removal or cleaning business pursuant to Article 37 (1) as a person who vicariously carries out the prevention and removal and make that person vicariously carry out the prevention and removal. <Newly Inserted by Act No. 5336, Apr. 10, 1997>

[This Article Newly Inserted by Act No. 5098, Dec. 29, 1995]

Article 50 (Measures of Prevention and Removal and Liability for Expenses by Administrative Agency)

(1) If a person liable for taking measures of prevention and removal under the provisions of Article 48 (2) fails to take such measures, or if it is deemed difficult to prevent the marine pollution only by such measures, or if emergency measures for the prevention and removal are deemed to be necessary, the Commissioner of the National Maritime Police Agency shall take the necessary measures in cooperation with the agencies concerned: *Provided*, That with respect to the oil adhered to the coast, the head of *Si/Gun/Gu* having jurisdiction over the coast shall take necessary measures, but with respect to the coast along which facilities prescribed by the Presidential Decree are installed, the head of the administrative agency managing such facilities shall take the necessary measures. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

(2) The expenses spent in the measures pursuant to the provisions of paragraph (1) may be borne by the owner of a ship or the installer of the marine installations as prescribed by the Presidential Decree: *Provided*, That this shall not apply to the case of natural disasters or other reasons prescribed by the Presidential Decree. <Newly Inserted by Act No. 5098, Dec. 29, 1995>

(3) The provisions of Articles 5 and 6 of the Administrative Vicarious Execution Act shall apply *mutatis mutandis* to the collection of expenses borne under paragraph (2). <Amended by Act No. 5098, Dec. 29, 1995>

(4) In the case as referred to in paragraph (2), if the discharge of wastes such as oil, etc. is attributable to another person, the owner of a ship or person who installed facilities may have the right to demand such person to compensate for the expenses. <Amended by Act No. 5098, Dec. 29, 1995>

Article 51 (Establishment of Marine Pollution Prevention and Removal Countermeasure Committee, etc.)

(1) In order to have necessary measures such as emergency prevention and removal, etc. taken in case where the preservation of the marine environment is or likely to be prejudiced remarkably due to any marine pollution such as the spill accidents of wastes such as oil, etc., a Marine Pollution Prevention and Removal Countermeasure Committee shall be established under the jurisdiction of the Minister of Maritime Affairs and Fisheries, and a regional marine pollution prevention and removal countermeasure councils under the jurisdiction of the chief of the maritime police station,

and the Prevention and Removal Countermeasure Headquarters may be established under the jurisdiction of the Commissioner of the National Maritime Police Agency. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>*

(2) The composition, operation and other necessary matters concerning the marine pollution prevention and removal countermeasure committee, the regional marine pollution prevention and removal countermeasure council and the prevention and removal countermeasure headquarters pursuant to the provisions of paragraph (1) shall be determined by the Presidential Decree. *<Amended by Act No. 5098, Dec. 29, 1995>*

Article 52 (Disposal of Property)

If it is deemed that the sea area is polluted so extremely by large quantities of wastes such as oil, etc. discharged into the coastal area, the human health is likely be threatened, property might sustain great damage or business activities such as fishery, etc. might be confronted with a difficulty, and it is thereby required to take any emergency prevention and removal measure, the Minister of Maritime Affairs and Fisheries may dispose of any property in the sea area near the spot where the wastes such as oil, etc. exist, in addition to shipwreck on which wastes such as oil, etc. are loaded, and burning up of discharged wastes such as oil, etc., within the minimal limit necessary for taking such measures. *<Amended by Act No. 5336, Apr. 10, 1997>*

CHAPTER VI-2 KOREA MARINE POLLUTION RESPONSE CORPORATION

Article 52-2 (Establishment of Korea Marine Pollution Response Corporation)

(1) The Korea Marine Pollution Response Corporation (hereinafter referred to as the "corporation") shall be established in order to preserve the marine environment by improving prevention and removal capability through education, training and technical development for effective prevention and removal of discharged wastes such as oil, etc.

(2) A person liable for disposing the response ship, etc. pursuant to Article 49-2 (1) (excluding an owner of a foreign ship, and a person who charters a foreign ship by means other than the bare boat charter-party on condition of acquisition of nationality) shall be a member of the corporation; and a person liable for disposing the response ship, etc. or for designating a person vicariously carrying out the prevention and removal pursuant to Article 49-2 (4) may be a member of the corporation under the conditions as provided in the articles of the corporation.

(3) The corporation shall be a juristic person.

(4) The corporation shall be established by completing its registration of incorporation at the location of principal office.

[This Article Newly Inserted by Act No. 5336, Apr. 10, 1997]

Article 52-3 (Projects)

The corporation shall carry out projects falling under each of the following subparagraphs:

<Amended by Act No. 5915, Feb. 8, 1999>

1. Prevention and removal of wastes such as oil, etc. discharged into the sea area;
2. Reserving and leasing of materials, chemicals, and equipment necessary for prevention and removal;
3. Installment and operation of storage facilities of wastes such as oil, etc. and waste oil disposal facilities;
- 3-Operation of ships to treat wastes;
- 2.
- 3-Salvage and tug of ships to prevent ships from discharging wastes such as oil, etc;
- 3.
4. Research and development of prevention and removal techniques;
5. Trust and vicarious execution of disposing the response ship, etc.;
6. Education and training concerning prevention and removal;
7. Mutual-aid projects for compensation for damage which a member of the corporation suffers due to a marine pollution accident;
8. Affairs to be entrusted from the State or a local government; and
9. Affairs as prescribed by the articles of the corporation, which are incidental to affairs as stipulated in subparagraphs 1 through 8.

[This Article Newly Inserted by Act No. 5336, Apr. 10, 1997]

Article 52-4 (Contributions)

(1) Members of the corporation shall pay the contributions necessary for carrying out affairs as stipulated in each subparagraph of Article 52-3.

(2) An amount of the contributions pursuant to paragraph (1) shall be calculated on the basis of the total of dealings of oil, and a ship's gross tonnage, etc.

(3) When members of the corporation have paid the contributions pursuant to paragraph (1), it shall be considered as have entrusted with disposing the response ship, etc. or as have designated a person vicariously carrying out prevention and removal pursuant to Article 49-2 (2) or Article 49-2 (4).

(4) Necessary matters concerning the criteria and procedures, etc. for imposition of contributions pursuant to paragraph (1) shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 5336, Apr. 10, 1997]

Article 52-5 (Financial Resources)

Funds necessary for the operation of the corporation and for its affairs shall be raised with financial

resources as stipulated in each following subparagraphs:

1. Gains accrued from projects pursuant to Article 52-3;
2. Contributions pursuant to Article 52-4;
3. Assistance funds from the Government pursuant to Article 52-6;
4. Donations pursuant to provisions of related Acts and subordinate statutes;
5. Borrowings from outside; and
6. Other incomes.

[This Article Newly Inserted by Act No. 5336, Apr. 10, 1997]

Article 52-6 (Assistance to corporation)

The State, if necessary, may assist or finance funds necessary for affairs pursuant to Article 52-3 or assist equipment within the limits of the budget for the corporation, and may give necessary assistance to the corporation and to members of the corporation concerning taxes under the conditions as prescribed by Acts and subordinates statutes, etc.

[This Article Newly Inserted by Act No. 5336, Apr. 10, 1997]

Article 52-7 (Authorization of Modification of Articles of corporation)

- (1) When the corporation intends to modify the articles thereof, the corporation shall obtain the authorization from the Minister of Maritime Affairs and Fisheries.
- (2) When the corporation intends to dissolve, the corporation shall obtain authorization from the Minister of Maritime Affairs and Fisheries.
- (3) The Minister of Maritime Affairs and Fisheries, when deemed that any resolution, etc. of the Association is contrary to public interest or objectives of establishment, may request to modify that resolution.
- (4) The corporation shall submit a project plan, an operating plan of the budget, and a statement of accounts to the Minister of Maritime Affairs and Fisheries every year.

[This Article Newly Inserted by Act No. 5336, Apr. 10, 1997]

Article 52-8 (Operation, etc. of corporation)

Matters to be entered in the articles of association, organization and operation of the corporation shall be prescribed by the Presidential Decree. *<Amended by Act No. 5915, Feb. 8, 1999>*

[This Article Newly Inserted by Act No. 5336, Apr. 10, 1997]

Article 52-9 (Application Mutatis Mutandis of Civil Act)

With regard to the corporation, the provisions concerning the incorporated association of the Civil Act shall be applied *mutatis mutandis* except as provided for in this Act.

[This Article Newly Inserted by Act No. 5336, Apr. 10, 1997]

CHAPTER VI-3 SURVEY OF MARINE POLLUTION IMPACT

Article 52-10 (Survey of Marine Pollution Impact and Bearing of Expenses)

(1) The owner of a ship and the installer of marine installations (referring to a lessee in case that such marine installations are leased: hereinafter the same shall apply) shall, where wastes such as oil, etc. are discharged in excess of a certain scale prescribed by the Presidential Decree into the sea, conduct a survey on marine pollution impact (hereinafter referred to as "impact survey") through a marine pollution impact survey institution (hereinafter referred to as the "survey institution").

(2) The survey institution referred to in paragraph (1) shall be determined by the Minister of Maritime Affairs and Fisheries according to standards set by the Presidential Decree.

(3) Any expenses required for the survey referred to in paragraph (1) shall be borne by owners of ships or installers of marine installations responsible for marine pollution as prescribed by the Presidential Decree: *Provided*, That the same shall not apply to the case where such marine pollution is caused by natural disasters or other case that falls under the cause prescribed by the Presidential Decree.

(4) The Minister of Maritime Affairs and Fisheries shall, where a person under an obligation to conduct the impact survey pursuant to the provisions of paragraph (1) fails to conduct such survey within a period prescribed by the Presidential Decree or where the case that is deemed necessary to be inspected urgently as prescribed by the Presidential Decree, select a survey institution after going through the deliberations of the Marine Pollution Impact Survey Assessment Committee to conduct such survey.

(5) The provisions of paragraph (3) shall apply *mutatis mutandis* to the bearing of expenses incurred by the survey conducted pursuant to the provisions of paragraph (4).

(6) The provisions of Articles 5 and 6 of the Administrative Vicarious Execution Act shall apply *mutatis mutandis* to the collection of expenses incurred by the survey institution referred to in paragraph (4).

(7) In the case of paragraphs (3) and (4), if there is a person who is responsible for discharging wastes such as oil, etc., the owner of a ship or the installer of marine facilities shall have the right to demand that such person reimburse expenses he has borne.

[This Article Newly Inserted by Act No. 5915, Feb. 8, 1999]

Article 52-11 (Areas and Items of Marine Pollution Impact Survey)

The impact survey shall be conducted on natural environment, life environment and social and economic environment that are vulnerable to the harmful impact of wastes such as oil, etc. and the items of the impact survey by field (hereinafter referred to as "survey items") shall be determined by the Presidential Decree.

[This Article Newly Inserted by Act No. 5915, Feb. 8, 1999]

Article 52-12 (Marine Pollution Impact Survey Assessment Committee)

(1) The Marine Pollution Impact Survey Assessment Committee (hereinafter referred to as the "Assessment Committee") shall be established under the Ministry of Maritime Affairs and Fisheries with the mandate to assess the validity of the results of the impact survey and deliberate whether or not to expand the impact survey.

(2) The composition, function and operation of the Assessment Committee and other necessary matters shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 5915, Feb. 8, 1999]

Article 52-13 (Collection of Residents' Opinions)

(1) In preparing a questionnaire form, a survey institution shall hold explanation meetings and public hearings in advance to collect opinions of residents in an area subject to a marine pollution impact survey and reflect the results in such questionnaire.

(2) The survey institution, when it intends to collect the residents' opinions pursuant to the provisions of paragraph (1), shall prepare a draft for the questionnaire form in advance.

[This Article Newly Inserted by Act No. 5915, Feb. 8, 1999]

Article 52-14 (Disqualifications)

Any person falling under any of the following subparagraphs shall not be qualified to be designated as a survey institution:

1. A person of incompetence or quasi-incompetence;
2. A person who has yet to be reinstated after he has been declared bankrupt;
3. A person for whom two years have yet to elapse after his designation has been cancelled under the provisions of Article 52-15;
4. A person who has been sentenced to imprisonment without prison labor or a heavier punishment for violating this Act, the Water Quality Conservation Act, the Clean Air Conservation Act or the Noise and Vibration Control Act and for whom two years have yet to elapse after the execution of such sentence was terminated or the exemption from such execution was made definite;
5. A person who is in the period of suspended sentence after he has been sentenced to imprisonment without prison labor or a heavier punishment for violating this Act, the Water Quality Conservation Act, the Clean Air Conservation Act or the Noise and Vibration Control Act; and
6. A corporation that has a person falling under the provisions of subparagraphs 1 through 5 from among its officers.

[This Article Newly Inserted by Act No. 5915, Feb. 8, 1999]

Article 52-15 (Cancellation of Designation of Survey Institution)

The Minister of Maritime Affairs and Fisheries may, where any survey institution falls under any case of the following subparagraphs, cancel its designation or order such survey institution to suspend its business for a fixed period not exceeding one year: *Provided*, That where such survey institution falls under subparagraph 1 or subparagraph 2, its designation shall be cancelled:

1. Where the survey institution falls short of designation standards under the provisions of Article 52-10 (2);
2. Where the survey institution falls under each subparagraph of Article 52-14: *Provided*, That the same shall not apply to the case where a person falling under subparagraph 5 of Article 52-14 from among officers of a corporation is replaced within 6 months;
3. Where the survey institution rents its designation certificate to another person or gives a subcontract for the impact survey to another person for which it has earned a contract;
4. Where the survey institution has had itself designated in a deceitful and illegal manner;
5. Where the survey institution has faced a disposition taken to suspend its business not less than two times a year; and
6. Where the survey institution has unfaithfully performed the business of surveying the marine pollution impact by deliberation or serious mistake.

[This Article Newly Inserted by Act No. 5915, Feb. 8, 1999]

Article 52-16 (Continuation of Business-Suspended Survey Institution)

(1) A survey institution that faces a cancellation of its designation or a disposition taken to suspend its business under the provisions of Article 52-15 may continue its impact survey only to fulfill a contract concluded prior to such disposition.

(2) Any survey institution that continues its impact survey pursuant to the provisions of paragraph (1) shall be deemed a survey institution under this Act until such survey business is completed.

[This Article Newly Inserted by Act No. 5915, Feb. 8, 1999]

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 53 (Report on Dismantling of Ships, etc.)

(1) through (3) Deleted. *<by Act No. 5915, Feb. 8, 1999>*

(4) Any person who intends to dismantle a ship shall establish a work plan for preventing the marine pollution as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries in order for wastes such as oil, etc. not to be discharged during the operation of dismantling work and report it to the Commissioner of the National Maritime Police Agency not later than seven days before the work begins: *Provided*, That this shall not apply to the ships other than the oil tanker, which are prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Newly Inserted by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>*

(5) The sea area management office may set up and operate scrapped ship disposal yards to handle smoothly scrapped ships. *<Amended by Act No. 5915, Feb. 8, 1999>*

Article 54 (Pollution Prevention Manager)

(1) The owner of a ship as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries shall appoint a pollution prevention manager for assisting the master in the control of affairs concerning the prevention of discharge of wastes such as oil, etc., from the ship, from among the crew of the ship according to the following classification: *<Amended by Act No. 5336, Apr. 10, 1997>*

1. For a ship carrying harmful liquid substances in bulk: one pollution prevention manager of wastes such as oil and one pollution prevention manager of harmful liquid substances; and
2. For the ships other than that in subparagraph 1: one pollution prevention manager of wastes such as oil.

(2) Any person who installs marine installations shall appoint a pollution prevention manager to take charge of affairs concerning the prevention of discharge of wastes such as oil, etc. from marine installations.

(3) Any owner of a ship or person who installs marine installations shall keep the documentary evidence, under which a pollution prevention manager pursuant to the provisions of paragraphs (1) and (2) is appointed, in the ship or marine installations. *<Amended by Act No. 5915, Feb. 8, 1999>*

(4) The qualification of the pollution prevention manager pursuant to the provisions of paragraphs (1) and (2), contents of his service, matters to be observed by him and other necessary matters shall be determined by the ordinance of the ministry of maritime affairs and fisheries. *<Amended by Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

Article 55 (Cooperation between Related Agencies)

(1) If it is deemed necessary for accomplishing the purpose of this Act, the Commissioner of the National Maritime Police Agency may request the head of the administrative agency concerned to mobilize manpower and equipment for urgent preventing and removing of the marine pollution, furnish materials or information on preservation of the marine environment and give other necessary cooperation. *<Amended by Act No. 5336, Apr. 10, 1997>*

(2) The head of the administrative agency who receives a request for cooperation from the Commissioner of the National Maritime Police Agency under the provisions of paragraph (1) shall comply with it unless there is any special reason. *<Amended by Act No. 5336, Apr. 10, 1997>*

Article 56 (Inspection by Entry and Report, etc.)

(1) The head of sea area management office and the Commissioner of the National Maritime Police Agency may, as prescribed by the Presidential Decree, have their officials in charge enter ships, marine installations, etc. or offices thereof, facilities of the operators of the business of discharging

wastes into the sea and of the operators of the business of prevention and removal or cleaning, or self-treatment facilities, etc. to check related documents, facilities, equipment, etc. and may have such business operators report about their business. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

(2) Any public official who carries out the inspection by entry under paragraph (1) shall have a certificate indicating his authority and show it to the interested persons.

(3) Any owner of a ship or marine installations installer, etc. shall not refuse, interfere with or evade any inspection by entry, demand for report, etc. of the public official concerned pursuant to the provisions of paragraph (1) without any justifiable reason.

Article 57 (Marine Environmental Guard)

(1) The Commissioner of the National Maritime Police Agency may appoint a marine environmental guard to carry out the duties of the public official concerned pursuant to the provisions of Article 56 (1). *<Amended by Act No. 5336, Apr. 10, 1997>*

(2) The appointment, qualification, function of the marine environmental guard pursuant to the provisions of paragraph (1) and other necessary matters shall be determined by the Presidential Decree.

Article 58 (Stoppage, Search and Capture of Ships and Prohibition of Entry into and Departure from Port, etc.)

If a ship is deemed suspicious of violating the provisions of this Act, the administrative agency concerned may make a stoppage, search, capture of a ship, prohibition of entry into or departure from a port and take other necessary orders or measures.

Articles 59 through 61 Deleted. *<by Act No. 5098, Dec. 29, 1995>*

Article 62 (State Subsidy, etc.)

(1) If a local government takes measures falling under any of the following subparagraphs, the State may subsidize the whole or part of the expenses from the National Treasury: *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5915, Feb. 8, 1999>*

1. Measures for improving the marine environment;
 2. Installation and operation of the storage facilities under the provisions of Article 46;
 3. Operation of ships and treatment facilities to remove and treat wastes under the provisions of Article 46-2; and
 4. Installation and operation of scrapped ship yards under the provisions of Article 53 (5).
- (2) The State may provide a financial assistance to expenses needed for installing or improving the marine pollution prevention equipment, storage facilities and other facilities related to the marine pollution prevention. *<Amended by Act No. 5098, Dec. 29, 1995>*

Article 63 (Marine Environment Preservation Advisory Committee)

(1) In order to provide any advice and suggestion on policies necessary for the preservation of the marine environment, the Marine Environment Preservation Advisory Committee shall be established under the supervision of the Minister of Maritime Affairs and Fisheries. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>*

(2) The composition, function, operation of the Marine Environment Preservation Advisory Committee pursuant to the provisions of paragraph (1) and other necessary matters shall be determined by the Presidential Decree.

Article 64 (Form Approval, etc. of Marine Pollution Prevention Equipment, Materials or Chemicals)

(1) Any person who intends to make, manufacture or import marine pollution prevention equipment (excluding equipment preventing pollution of harmful liquid substances; hereafter the same shall apply in paragraphs (3) through (6) and (8)) shall obtain the form approval from the Minister of Maritime Affairs and Fisheries as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5336, Apr. 10, 1997>*

(2) Any person who intends to make, manufacture or import materials or chemicals pursuant to the provisions of Articles 48 (5) and 49 (1), shall obtain the form approval from the Commissioner of the National Maritime Police Agency as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries: *Provided*, That the same shall not apply to materials prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>*

(3) Any person who intends to obtain the form approval pursuant to the provisions of paragraph (1) or (2), shall undergo in advance a performance test on such marine pollution prevention equipment, materials or chemicals, respectively conducted by the Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>*

(4) When a person who has obtained the form approval pursuant to the provisions of paragraph (1) or (2) has made, manufactured or imported marine pollution prevention equipment, materials or chemicals, he shall obtain the official approval of the Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency, respectively. *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>*

(5) In a party to the Convention, any person who has installed marine pollution prevention equipment or has kept materials or chemicals in a ship shall receive the authorization of the Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. In this case, a person having received such authorization shall be construed to have obtained the form approval, performance test and official approval pursuant to the provisions of paragraphs (1)

through (4). <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

(6) The Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency may designate a person capable of performing vicariously the affairs concerning performance tests, official approval and authorization as to the marine pollution prevention equipment, materials or chemicals pursuant to the provisions of paragraphs (3) through (5).

<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

(7) The form approval, performance test, official approval, authorization, designation of a person who executes vicariously such affairs under paragraphs (1) through (6), and other necessary matters shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

(8) The provisions of Article 31 (1) shall apply *mutatis mutandis* to a dissatisfaction with the official approval on marine pollution prevention equipment pursuant to the provisions of paragraph (4).

(9) If a person who has obtained a form approval under the provisions of paragraph (1) or (2) violates matters prescribed by the Presidential Decree, the Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency may cancel the approval.

<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

Article 65 (Criteria for Administrative Dispositions)

The criteria for administrative disposition against any act violating this Act or any order issued under this Act shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

Article 66 (Hearing)

If the Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency intends to take the disposition falling under any of the following subparagraphs, he shall hold a hearing:

1. Revocation of the registration as prescribed in Article 21 or 44; or
2. Cancellation of the approval as prescribed in Article 64 (9).

[This Article Wholly Amended by Act No. 5453, Dec. 13, 1997]

Article 67 (Education and Training for Personnel Concerned)

Any person who employs a pollution prevention manager pursuant to the provisions of Article 54, technical personnel engaged in the business of discharging wastes into the sea and the business of prevent and removal or cleaning wastes pursuant to the provisions of Articles 18 and 37, and technical personnel engaged in the ship dismantling business pursuant to the provisions of Article 16-3 of the Ship Safety Act, shall have the personnel under his control undergo education and training on marine pollution prevention once or more times every five years as prescribed by the

Presidential Decree. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5915, Feb. 8, 1999>

Article 68 (Fee)

(1) Any person who intends to undergo or obtain the seal of approval, inspection, form approval, performance test, official approval or authorization under this Act, shall pay the fee as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

(2) In case where a person who is designated as an agent of inspection, etc. under the provisions of Articles 28 (1) and 64 (6) conducts the seal of approval, inspection, official approval, performance test, form approval or authorization, he may collect the fee as approved by the Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>

Article 69 (Delegation and Entrustment of Authority)

(1) The authority of the Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency under this Act may, as prescribed by the Presidential Decree, be delegated partially to the Commissioner of the National Maritime Police Agency, the chief of the maritime police station and the head of the National Fisheries Research and Development Institute or the heads of Regional Maritime Affairs and Fisheries Offices, respectively. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8, 1999>

(2) The sea area management office or the harbor management office may entrust any person capable of managing and operating such facilities, as prescribed by the Presidential Decree, with the business of managing and operating the storage facilities under the provisions of Article 46 (4), ships and treatment facilities under the provisions of Article 46-2 (2), the custody facilities under the provisions of Article 49 and the scrapped ship disposal yards under the provisions of Article 53 (5). <Amended by Act No. 5915, Feb. 8, 1999>

Article 70 Deleted. <by Act No. 5336, Apr. 10, 1997>

CHAPTER VIII PENAL PROVISIONS

Article 71 (Penal Provisions)

(1) Any person who discharges oil in contravention of the provisions of Article 5 (1) shall be punished by imprisonment for not more than five years or a fine not exceeding fifty million won.

(2) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or a fine not exceeding thirty million won: <Amended by Act No. 5098, Dec. 29, 1995>

1. Person who discharges oil by negligence in contravention of the provisions of Article 5 (1);
2. Person who discharges harmful liquid substances in contravention of the provisions of Article

11 (1);

3. Deleted; and <by Act No. 5915, Feb. 8, 1999>

4. Person who discharges harmful substances in packaged form in contravention of the provisions of Article 15-3.

Article 72 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or a fine not exceeding twenty million won: <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5915, Feb. 8, 1999>

1. Person who discharges wastes in contravention of the provisions of Article 16 (1);
2. Person who uses ships for navigation in contravention of the provisions of Article 27 (1) through (3);
3. Person who discharges wastes such as oil, etc. in contravention of the provisions of Article 34 (1);
4. Person who operates the prevention and removal or cleaning business without making a registration pursuant to the provisions of Article 37 (1);
5. Person who has carried on his business during a period of business suspension in violation of an order given to suspend his business under the provisions of Article 44 (1);
6. Person who fails to take emergency measures or prevention and removal measures pursuant to the provisions of Article 48 (1) through (3), or who violates an order to take such measures; and
7. Deleted. <by Act No. 5915, Feb. 8, 1999>

Article 73 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than two years or a fine not exceeding twenty million won: <Amended by Act No. 5336, Apr. 10, 1997>

1. Person who uses ships for navigation without installing the marine pollution prevention equipment pursuant to the provisions of Article 6 (1), 12 (1) or 17 (1);
2. Person who discharges by negligence harmful liquid substances in contravention of the provisions of Article 11 (1);
3. Person who installs a cargo space in contravention of the provisions of Article 12 (2);
4. Deleted; <by Act No. 5915, Feb. 8, 1999>
5. Person who discharges by negligence harmful substances in packaged form in contravention of the provisions of Article 15-3;
6. Person who fails to dispose of response ships, etc. in contravention of the provisions of Article 49-2 (1);
7. Person who violates an order to prohibit entry into or departure from a port or an order to

suspend the use of facilities pursuant to the provision of Article 49-2 (3); and

8. Person who refuses, interferes with, or evades the stoppage, search, capture of ships, prohibition of entry into or departure from port, or other necessary orders or measures pursuant to the provision of Article 58.

[This Article Wholly Amended by Act No. 5098, Dec. 29, 1995]

Article 74 (Penal Provisions)

(1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or a fine not exceeding ten million won: *<Amended by Act No. 5915, Feb. 8, 1999>*

1. Person who discharges wastes by negligence in contravention of the provisions of Article 16 (1);
2. Person who discharges wastes such as oil, etc. from the marine facilities in contravention of the provisions of Article 34 (1); and
3. Person who falls under Article 47 (1) 1 or 2 and fails to make a report or makes a false report.

(2) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or a fine not exceeding five million won: *<Amended by Act No. 5098, Dec. 29, 1995; Act No. 5915, Feb. 8, 1999>*

1. Deleted; *<by Act No. 5098, Dec. 29, 1995>*
2. Deleted; *<by Act No. 5915, Feb. 8, 1999>*
3. Person who carries on the business of discharging wastes into the sea without registering his business of discharging wastes into the sea under the provisions of Article 18 (1);
4. Person who violates an order to dispose of wastes pursuant to the provisions of Article 19 (2);
5. Person who entrusts the wastes which are impossible to be discharged at the sea in contravention of the provision of Article 23 (2);
6. Person who uses ships for navigation without carrying out any order or any disposition pursuant to the provisions of Article 29 or 33;
7. Deleted; *<by Act No. 5915, Feb. 8, 1999>*
8. Person who fails to execute an order given to treat wastes such as oil, etc. under the provisions of Article 43;
9. Deleted; and *<by Act No. 5915, Feb. 8, 1999>*
10. Person who fails to obtain or undergo the form approval, performance test, official approval or authorization pursuant to the provisions of Article 64 (1) through (5).

Article 75 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by a fine not exceeding five million won: *<Amended by Act No. 5336, Apr. 10, 1997; Act No. 5915, Feb. 8,*

1999>

1. Person who maintains and operates the oil pollution prevention equipment in contravention of the provisions of Article 6 (3);
2. Person who loads the water ballast or oil in contravention of the provisions of Article 7;
3. Person who disposes of and delivers wastes such as oil, etc. in contravention of the provisions of Article 8 (1), 17-2, 34 (5) or 40 (1);
4. Person who installs an incineration facility in contravention of the provisions of Article 8 (2);
5. Person who uses ships for navigation without undergoing the inspection pursuant to the provisions of Article 24;
6. Person who alters the original state of related parts of the marine pollution prevention equipment, etc. without obtaining the permission pursuant to the provisions of Article 31 (2);
7. Person who discharges wastes such as oil, etc. from places prescribed by the Presidential Decree in contravention of Article 34 (1);
8. Person who fails to dispose the response ship, etc. or to designate an agent of prevention and removal in contravention of the provisions of Article 49-2 (4); and
9. Person who fails to appoint a pollution prevention manager pursuant to the provisions of Article 54 (1) and (2).

[This Article Wholly Amended by Act No. 5098, Dec. 29, 1995]

Article 76 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by a fine not exceeding two million won: *<Amended by Act No. 5915, Feb. 8, 1999>*

1. Person who installs oil pollution prevention equipment or waste pollution prevention equipment which is not obtained from approval, official approval or authorization in contravention of the provisions of Article 6 (2) or 17 (2);
2. Person who transports harmful substances in packaged form in contravention of the provisions of Article 15-2;
3. Person who fails to take the measures pursuant to the provisions of Article 48-2;
4. Person who fails to keep materials and chemicals available in contravention of the provisions of Article 49 (1);
5. Deleted; *<by Act No. 5915, Feb. 8, 1999>*
6. Person who dismantles a ship without making a report pursuant to the provisions of Article 53 (4); and
7. Person who refuses, interferes with or evades the inspection by entry and demand for report, etc. pursuant to the provisions of Article 56 (3) without any justifiable reason.

[This Article Wholly Amended by Act No. 5098, Dec. 29, 1995]

Article 77 (Joint Penal Provisions)

In case where a representative of a juristic person or an agent, servant or other employees of a juristic person or individual commits any of offenses as prescribed in Articles 71 through 76 with respect to business of the juristic person or the individual, a fine as prescribed in respective Articles shall be imposed on the juristic person or the individual in addition to the punishment of the offender.

Article 77-2 (Special Cases concerning Application of Penal Provisions to Foreigners)

(1) When applying Articles 71 through 77 to foreigners, except for cases where a violation is intentionally made within the territorial sea, a fine as prescribed in each concerned provision shall be punished.

(2) With regards to the scope of foreigners pursuant to paragraph (1), Article 2 of the Act on the Exercise of Sovereign Rights on Foreigners' Fishing, etc. within the Exclusive Economic Zone shall be applied; and with regards to judicial procedures for foreigners, Articles 23 through 25 of the said Act shall be applied *mutatis mutandis*.

[This Article Newly Inserted by Act No. 5336, Apr. 10, 1997]

Article 78 (Legal Fiction as Public Officials in Application of Penal Provisions)

With respect to the inspection of marine pollution prevention equipment, etc. pursuant to the provisions of Article 24 and the official approval and authorization of equipment, materials or chemicals pursuant to the provisions of Article 64 (4) and (5), a person who is designated under the provisions of Article 28 (1) to execute an inspection vicariously and officers and employees of a person who is designated under the provisions of Article 64 (6) to execute vicariously a performance test, official approval and authorization, shall be construed as public officials in the application of the provisions of Articles 129 through 132 of the Criminal Act.

Article 79 (Fine for Negligence)

Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won: <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5915, Feb. 8, 1999>

1. Person who fails to provide the waste oil storage container pursuant to the provisions of Article 6 (1);
2. Person who fails to keep, record or preserve the records or ledgers pursuant to the provisions of Article 9 (1) and (2), 13 (1) and (2), 22 (1) and (2), 36 (1) and (2) or 46 (2), or who makes a false record;
3. Person who fails to keep the contingency plans against oil pollution bearing the seal of approval pursuant to the provisions of Article 10 (1) or 36 (1);
4. Person who fails to give the guidelines on the harmful liquid substances discharge method and

- equipment bearing the seal of approval pursuant to the provisions of Article 12 (3);
5. and 6. Deleted; <by Act No. 5915, Feb. 8, 1999>
7. Person who entrusts a disposal of wastes without making a report pursuant to the provisions of Article 23 (1);
8. Person who fails to keep in the ship the marine pollution prevention certificate pursuant to the provisions of Article 27 (5);
9. and 10. Deleted; <by Act No. 5915, Feb. 8, 1999>
11. Person who fails to appoint a pollution prevention manager under the provisions of Article 54 (1) or (2);
12. Person who fails to keep the documentary evidence as to the appointment of the pollution prevention manager pursuant to the provisions of Article 54 (3); and
13. Person who fails to have the personnel under his control undergo the education and training pursuant to the provisions of Article 67 without any justifiable reason.

Article 80 (Imposition, Collection, etc. of Fine for Negligence)

- (1) A fine for negligence pursuant to the provisions of Article 79 shall be imposed and collected by the Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency as prescribed by the Presidential Decree. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>
- (2) Any person who is dissatisfied with a disposition of a fine for negligence pursuant to the provisions of paragraph (1), may make an objection to the Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency within thirty days after he is notified of the disposition. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>
- (3) If a person who is subject to a disposition of a fine for negligence pursuant to the provisions of paragraph (1), makes an objection under the provisions of paragraph (2), the Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency shall, without delay, notify it to the competent court, which shall bring the case of the fine for negligence on trial under the Non-Contentious Case Litigation Procedure Act. <Amended by Act No. 5098, Dec. 29, 1995; Act No. 5336, Apr. 10, 1997>
- (4) If no objection is made and the fine for negligence is not paid within the period pursuant to the provisions of paragraph (2) of this Article, it shall be collected according to a examples of the disposition on the national taxes in arrears.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 *Omitted.*

Article 3 (Special Cases on Warships and Noncommercial Government Ships)

The provisions of this Act shall not be applicable to a ship falling under the previous Article 4 (2) at the time when this Act enters into force for two years from the enforcement date of this Act. In this case any proper measures shall be taken against such ship so as to prevent it from polluting the sea.

Article 4 (Transitional Measures concerning Installation of Pollutant Burning Equipment on Ship)

Any owner of a ship who installs a incineration facility not conforming to the provisions of Article 8 (2) at the time when this Act enters into force, shall provide such equipment in conformity to the provisions of Article 8 (2) within one year from the enforcement date of this Act.

Article 5 (Transitional Measures concerning Installation of Harmful Liquid Substance Pollution Prevention Equipment, etc.)

Any owner of a ship who is liable to install harmful liquid substance pollution prevention equipment pursuant to the provisions of Article 12 (1) or a cargo space pursuant to the provisions of Article 12 (2) at the time when this Act enters into force, shall install such equipment or cargo space within two years from the enforcement date of this Act.

Article 6 (Transitional Measures concerning Designation, etc. of Wastes Discharge Sea Area)

(1) Any person who registered a wastes transport ship pursuant to the previous provisions but does not have waste discharge sea area designated at the time when this Act enters into force, shall have the waste discharge sea area pursuant to the provision of Article 16 (4) designated within one year from the enforcement date of this Act.

(2) If a person who has made a registration of a waste transport ship pursuant to the provisions of paragraph (1) of this Article but has not had the waste discharge sea area designated and fails to have the waste discharge sea area designated within the period pursuant to the provisions of paragraph (1), the registration shall be construed to have been revoked on the day following the day on which the said period expires.

Article 7 (Transitional Measures concerning Installation of Waste Pollution Prevention Equipment)

Any owner of a ship who is liable to install a waste pollution prevention equipment pursuant to the provisions of Article 17, at the time when this Act enters into force, shall install such equipment within one year from the enforcement date of this Act.

Article 8 (Transitional Measures concerning Registration of Wastes Transport Ship)

Any person who has made a registration of a waste transport ship under the previous provisions at the time when this Act enters into force, shall be construed to have made a registration of a waste

transport ship pursuant to the provisions of Article 18 (1): *Provided*, That he shall provide such facilities, manpower, equipment, etc. pursuant to the provisions of Article 18 (2) within one year from the enforcement date of this Act.

Article 9 (Transitional Measures concerning Inspection of Marine Pollution Prevention Equipment)

Any owner of a ship who has undergone an inspection on marine pollution prevention equipment, etc. under the previous provisions, at the time when this Act enters into force, shall be construed to have undergone an inspection on the marine pollution prevention equipment pursuant to the provisions of Article 24.

Article 10 (Transitional Measures concerning International Marine Pollution Prevention Certificate)

Any international marine pollution prevention certificate delivered under the previous provisions at the time when this Act enters into force, shall be regarded as an convention certificate pursuant to the provisions of Article 26.

Article 11 (Transitional Measures concerning Appointment of Pollution Prevention Manager)

Any pollution prevention manager appointed by an owner of a ship or by a person who has installed marine installations under the previous provisions at the time when this Act enters into force, shall be regarded as a pollution prevention manager appointed under the provisions of Article 54 (1) and (2): *Provided*, That in the case of a ship pursuant to the provisions of Article 54 (1) 1, the owner of the ship concerned shall appoint a pollution prevention manager of harmful liquid substances within two months from the enforcement date of this Act.

Article 12 (Transitional Measures concerning Form Approval, etc. as to Materials or Chemicals for Marine Pollution Prevention)

(1) Any person who has obtained form approval and official approval or authorization as to materials or chemicals for marine pollution prevention from the Administrator of the Maritime and Port Administration under the previous provisions at the time when this Act enters into force, shall be construed to have obtained such form approval and official approval or authorization from the Minister of Environment under the provisions of Article 64 (2), (4) and (5).

(2) Any person who was designated as an agent as to an official approval or authorization on materials or chemicals for marine pollution prevention by the Administrator of the Maritime and Port Administration under the previous provisions at the time when this Act enters into force, shall be construed to have been designated as an agent by the Minister of Environment under Article 64 (6).

Article 13 (Relation with Other Acts)

In case where the previous provisions of this Act have been cited in other Acts and subordinate

statutes at the time when this Act enters into force, if the provisions corresponding to them are included in this Act, the corresponding provisions of this Act shall be construed to have been cited in lieu of the previous provisions.

ADDENDA <Act No. 4558, Jun. 11, 1993>

Article 1 (Enforcement Date)

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

Articles 2 through 6 *Omitted.*

ADDENDA <Act No. 4559, Jun. 11, 1993>

Article 1 (Enforcement Date)

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

Articles 2 through 7 *Omitted.*

ADDENDA <Act No. 5098, Dec. 29, 1995>

Article 1 (Enforcement Date)

This Act shall enter into force six months after its promulgation: *Provided*, That the amended provisions of Articles 36 and 49-2 shall enter into force two years after its promulgation, respectively.

Article 2 (Transitional Measures concerning Designation of Specially Managed Coastal Area)

The special coastal pollution control sea area designated under the previous provisions before this Act enters into force, shall be regarded as specially managed coastal area designated under this Act.

Article 3 (Transitional Measures concerning Wastes Oil Disposal Business Operator)

Notwithstanding the amended provisions of Articles 37 through 44, any person who has obtained the permission on the waste oil disposal business under the previous provisions at the time when this Act enters into force, may continue the wastes oil disposal business under the previous provisions up to one year and six months from the enforcement date of this Act.

Article 4 (Transitional Measures concerning Registration of Oil hold Cleaning Business)

Any person who has obtained the license for the oil shed cleaning business from the Administrator of the Maritime and Port Administration under the previous provisions at the time when this Act enters into force, shall be regarded as an oil hold cleaning business operator registered with the Minister of Home Affairs under this Act.

Article 5 (Transitional Measures concerning Administrative Disposition against Oil Shed Cleaning Business Operator)

Various kinds of orders, dispositions, etc. issued by the Administrator of the Maritime and Port Administration against an oil shed cleaning business operator under the previous provisions before this Act enters into force, shall be regarded as various kinds of orders, dispositions, etc. issued by the Minister of Home Affairs against the oil shed cleaning business operator under this Act.

Article 6 (Transitional Measures concerning Installers and Users of SelfDisposal Facilities)

An installer and user of the self-disposal facility who has made a report to the Administrator of the Maritime and Port Administration under the previous provisions at the time when this Act enters into force, shall be regarded as the installer and user of the self-disposal facility, who has made the report to the Minister of Environment under this Act.

Article 7 (Transitional Measures concerning Application of Penal Provisions)

The application of the penal provisions to any act committed before this Act enters into force, shall be subject to the previous provisions.

ADDENDA <Act No. 5336, Apr. 10, 1997>

(1) (Enforcement Date) This Act shall enter into force six months after its promulgation: *Provided*, That the amended provisions of Article 49-2 (3) and (4) shall enter into force on December 30, 1997.

(2) (Transitional Measures concerning the Korea Marine Oil Pollution Response Corporation) The Korea Marine Oil Pollution Response Corporation at the time when this Act enters into force shall be considered as the corporation pursuant to this Act: *Provided*, That the Korea Marine Oil Pollution Response Corporation shall prepare its articles of association which conform to the provisions of this Act and shall obtain authorization from the Minister of Maritime Affairs and Fisheries within one month after this Act enters into force.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 *Omitted.*

ADDENDA <Act No. 5470, Dec. 17, 1997>

Article 1 (Enforcement Date)

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

Articles 2 through 12 *Omitted.*

ADDENDA <Act No. 5915, Feb. 8, 1999>

(1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation.

(2) (Application Example concerning Marine Pollution Impact Survey) The amended provisions of Article 52-10 shall apply starting with a marine pollution case caused by wastes such as oil, etc. from the date on which this Act is enforced.

(3) (Transitional Measures concerning Waste Transport Ship) Any person who has his waste transport ship registered at the time that this Act is enforced shall be deemed to register his business of discharging wastes into the sea under the amended provisions of Article 18: *Provided*, That he shall meet registration requirements within one year from the date on which this Act is enforced.

(4) (Transitional Measures concerning Penal Provisions) The application of penal provisions to any act performed prior to the enforcement of this Act shall be dealt with according to the previous provisions.

(5) Omitted.

ADDENDA <Act No. 6515, Sep. 12, 2001>

Article 1 (Enforcement Date)

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

Articles 2 and 3 *Omitted.*

ADDENDA <Act No. 7240, Oct. 22, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 6 *Omitted.*