

ENFORCEMENT DECREE OF THE PREVENTION OF MARINE POLLUTION ACT

Wholly Amended by Presidential Decree No.15090, Jun. 29,1996

Amended by Presidential Decree No.15135, Aug. 8,1996

Presidential Decree No.15364, May. 1,1997

Presidential Decree No.15379, May.24,1997

Presidential Decree No.15507, Nov. 8,1997

Presidential Decree No.15592, Dec. 31,1997

Presidential Decree No.15598, Dec. 31,1997

Presidential Decree No.16074, Dec. 31,1998

Presidential Decree No.16514, Aug. 6,1999

Presidential Decree No.16515, Aug. 6,1999

Presidential Decree No.16707, Feb. 9,2000

Presidential Decree No.17120, Jan. 29,2001

Presidential Decree No.17269, Jun. 30,2001

Presidential Decree No.17528, Mar. 2,2002

Presidential Decree No.17738, Sep. 11,2002

Presidential Decree No.17816, Dec. 26,2002

Presidential Decree No.18312, Mar. 17,2004

Presidential Decree No.18796, Apr. 22,2005

Presidential Decree No.19162, Dec. 1,2005

Presidential Decree No.19195, Dec. 28,2005

Article 1 (Purpose)

The purpose of this Decree is to provide matters delegated by the Prevention of Marine Pollution Act (hereinafter referred to as the "Act"), and matters necessary for the enforcement thereof.

Article 2 (Marine Installations)

The marine installations pursuant to the provisions of subparagraph 10 of Article 2 of the Act shall be structures or facilities falling under the following subparagraphs that are installed by being connected to marine areas, or to a marine area and the land: *<Amended by Presidential Decree No. 16707, Feb. 9, 2000>*

1. Structures or facilities that are installed by being directly connected to a marine area (including a structure or facility temporarily connected to a marine area) for the purpose of supplying (including being supplied), processing or storing, etc. oil, harmful liquid substances, wastes and

others;

2. A barge that is installed fixedly in a marine area for oil, harmful liquid substances or wastes;
3. Facilities such as restaurants of total floor area of not less than 100 square meters that are installed fixedly in a marine area or by connecting a marine area with the land; and
4. Facilities for the submarine mining under the provisions of subparagraph 1 of Article 2 of the Submarine Mineral Resources Development Act.

Article 2-2 (Harbors)

The term "harbors prescribed by the Presidential Decree" in subparagraph 14 (b) of Article 2 of the Act means the harbors falling under each of the following subparagraphs: *<Amended by Presidential Decree No. 19162, Dec. 1, 2005>*

1. Harbors designated under the provisions of subparagraph 2 of Article 2 of the Harbor Act; and
2. State fishing ports under subparagraph 3 of Article 2 of the Fishing Villages and Fishery Harbors Act.

[This Article Newly Inserted by Presidential Decree No. 16707, Feb. 9, 2000]

Article 3 (Scope of Marine Area)

The marine area pursuant to the provisions of Article 3 (1) 1 of the Act shall be the territorial sea and internal waters under the Territorial Sea and Contiguous Zone Act, and marine areas over which the Republic of Korea has jurisdiction concerning the preservation of the marine environment in accordance with the United Nations Convention on the Law of Sea. *<Amended by Presidential Decree No. 15507, Nov. 8, 1997>*

Article 4 (Establishment, Implementation, etc. of Execution Plan on Comprehensive Measures for Preservation of Marine Environment)

(1) The head of the administrative agency concerned who has been notified of the comprehensive measures for the preservation of the marine environment under the provisions of Article 4 (4) of the Act, shall establish an execution plan of the competent field and submit it to the Minister of Maritime Affairs and Fisheries by January 31 of each year.

<Amended by Presidential Decree No. 15135, Aug. 8, 1996>

(2) The head of the administrative agency concerned shall submit performance results of the year in question as to the execution plan under the provisions of paragraph (1) to the Minister of Maritime Affairs and Fisheries by January 31 of the following year. *<Amended by Presidential Decree No. 15135, Aug. 8, 1996>*

Article 4-2 (Restrictions on Installation of Facilities in Environment Preservation Sea Areas, etc.)

(1) The term "sea areas prescribed by the Presidential Decree" in the main sentence of Article 4-4

(1) of the Act (hereinafter referred to as "environment preservation sea areas") means the sea areas

as shown in the attached Table 1.

(2) The term "facilities prescribed by the Presidential Decree" in the main sentence of Article 4-4 (1) of the Act means facilities falling under each of the following subparagraphs:

1. Facilities capable of discharging not less than 2,000 m³ of wastewater per day; and
2. Wharfs, breakwaters, bridges, floodgates or structures which require permission from the management agency for newly building, renovating, enlarging or altering under the provisions of Article 5 (1) 1 of the Public Waters Management Act.

(3) The term "sea areas prescribed by the Presidential Decree" in Article 4-4 (2) of the Act (hereafter referred to as the "specially managed sea areas") means the sea areas as shown in the attached Table 2.

(4) Facilities falling under each of the following subparagraphs shall be subject to installation restrictions under the provisions of Article 44 (2) and (3) of the Act:

1. Facilities capable of discharging not less than 1,000 m³ of wastewater per day;
2. Wharfs, breakwaters, bridges, floodgates or structures which require permission from the management agency for newly building, renovating, enlarging or altering under the provisions of Article 5 (1) 1 of the Public Waters Management Act; and
3. Facilities for licensed fishing under the provisions of Article 8 of the Fisheries Act.

(5) The Minister of Maritime Affairs and Fisheries shall, when he intends to restrict any installation of facilities in the environment preservation sea areas and the specially managed sea areas under the provisions of Article 4-4 (1) or (2) of the Act, consult with the heads of central administrative agencies concerned and publish contents and period of such restrictions.

[This Article Newly Inserted by Presidential Decree No. 16707, Feb. 9, 2000]

Article 4-3 (Total Regulation)

(1) The sea areas subject to total regulation from among the specially managed sea areas under the provisions of Article 4-4 (2) and (3) of the Act, where such sea areas are feared to cause serious damages to the health and property of residents and the growth of animals after having exceeded marine environment standards falling under each of the following subparagraphs, shall be the sea areas which the Minister of Maritime Affairs and Fisheries publishes after consulting with the heads of central administrative agencies concerned:

1. Chemical oxygen demand; 4mg per liter;
2. Total nitrogen; 0.2mg per liter; and
3. Total phosphorous; 0.03mg per liter.

(2) The Minister of Maritime Affairs and Fisheries shall publish items of total regulation under the

provisions of paragraph (1) from among items falling under the following subparagraphs after consulting with the heads of central administrative agencies concerned:

1. Chemical oxygen demand;
2. Nitrogen;
3. Phosphorous; and
4. Heavy metals.

(3) The Minister of Maritime Affairs and Fisheries shall, when he intends to put pollutants under total regulation pursuant to the provisions of Article 4-4 (2) and (3) of the Act, publish a plan for reducing pollutants by sea area and year, the target of total discharge of pollutants by year and permissible quantity for discharging pollutants by sea area.

[This Article Newly Inserted by Presidential Decree No. 16707, Feb. 9, 2000]

Article 5 (Submission of Materials, etc. for Designation of Specially Managed Coastal Area)

Where it is deemed necessary for designating a specially managed coastal area is pursuant to the provisions of Article 4-4 (2) of the Act, the Minister of Maritime Affairs and Fisheries may request the relevant sea area management office to submit materials concerning the matters in each of the following subparagraphs or to present opinions: *<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 16707, Feb. 9, 2000; Presidential Decree No. 17816, Dec. 26, 2002>*

1. Quantity, quality and inflow way of wastewater and daily sewage, etc. introduced from land;
2. Present condition of licenses or permits concerning reclamation, dredging, possession, and uses of public water surface;
3. Present condition of licenses or permits on fisheries;
4. Present condition of designation of the area for specific use under the Acts and subordinate statutes such as the National Land Planning and Utilization Act;
5. Present condition of installation of marine installations;
6. Present condition of harbor facilities and fishing port facilities;
7. Present condition of submarine resources and sightseeing resources;
8. Present condition of vessels in navigation, or entering or leaving ports; or
9. Other matters concerning marine pollution.

Article 6 (Environment Improvement Measures, etc. for Specially Managed Coastal Area)

(1) Where it is deemed necessary for the environmental improvement in a specially managed coastal area, the Minister of Maritime Affairs and Fisheries may request the relevant sea area management office to take measures in each of the following subparagraphs: *<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 16707, Feb. 9, 2000>*

1. Measures for the improvement of marine environment under the provisions of Article 4-7 of the Act; and

2. Installation of storage facilities pursuant to the provisions of Article 46 (4) of the Act.

(2) Where it is deemed necessary for the prevention of pollution in a specially managed coastal area, the Minister of Maritime Affairs and Fisheries may request the relevant sea area management office to take a disposition such as revocation, prohibition or orders falling under each of the following subparagraphs. In this case the relevant sea area management office which received a request for disposition shall comply with it unless there is special reason: *<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree Nos. 16514 & 16515, Aug. 6, 1999; Presidential Decree No. 17120, Jan. 29, 2001>*

1. Deleted; *<by Presidential Decree No. 16707, Feb. 9, 2000>*

2. Disposition of the revocation and alterations of licenses, or the reconstruction, removal or restoration of artificial structures, etc. pursuant to the provisions of Article 32 of the Public Waters Reclamation Act;

3. Disposition taken to cancel permission for occupying and using public waters and suspend such occupying and using such public waters under the provisions of Article 16 the Public Waters Management Act;

4. Disposition for the public interest pursuant to the provisions of Article 60 of the Harbor Act or Article 19 of the Fishery Harbors Act; or

5. Orders for the conservation of natural resources pursuant to the provisions of Article 72 or 79 of the Fisheries Act.

Article 7 (Measure for Improvement of Marine Environment)

The sea area management office shall, under the provisions of Article 4-7 of the Act, take measures falling under each of the following subparagraphs to prevent marine pollution:

1. Installation of terminal sewage treatment facilities to prevent such pollutants as wastewater and sewage from flowing into the sea;

2. Installation of excreta treatment facilities and livestock wastewater treatment facilities to prevent excreta and livestock wastewater from flowing into the sea;

3. Installation of waste treatment facilities to prevent wastes from flowing into the sea;

4. Dredging of accumulated pollutants and cleaning of sea areas;

5. Installation of sewerages to prevent pollution in harbors; and

6. Management and removal of abandoned facilities, etc.

[This Article Wholly Amended by Presidential Decree No. 16707, Feb. 9, 2000]

Article 8 (Consultations on Utilization of Sea Areas)

(1) The head of an administrative agency shall, where he applies to the Minister of Maritime Affairs and Fisheries for consultations on the utilization of sea areas pursuant to the provisions of Article 4-8 of the Act, attach documents an applicant has furnished when he files an application for designation, a license and permission (hereafter referred to as "designation, etc.") under the

provisions of each subparagraph of Article 4-8 of the Act to his application. In this case, the Minister of Maritime Affairs and Fisheries, when he deems it necessary, may ask the head of such administrative agency to furnish documents as shown in the attached Table 3.

(2) The Minister of Maritime Affairs and Fisheries, upon receiving the application for consultations under the provisions of paragraph (1), shall notify the head of the administrative agency of his opinion with respect to the preservation of environment within a period prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries and the head of the administrative agency shall reflect his opinion in project implementation. In this case, when the documents are supplemented, a period required for such supplementation shall be excluded from the notice period.

(3) The consultations referred to in paragraph (1) shall be made prior to the act of making a designation and such consultations shall, where the project concerned is included in the scope of the project subject to the environment impact assessment, be made prior to such environment impact assessment.

[This Article Wholly Amended by Presidential Decree No. 16707, Feb. 9, 2000]

Article 9 (Marine Environment Information Network)

The Minister of Maritime Affairs and Fisheries shall disseminate the results of the marine environment measurement conducted according to the provisions of Article 4-3 of the Act and State-conducted research projects on marine environment in the form of document or electronic communications in accordance with the provisions of Article 4-9 (1) of the Act.

[This Article Wholly Amended by Presidential Decree No. 16707, Feb. 9, 2000]

Article 10 (Standards for Registration of Business of Discharging Wastes into Sea)

(1) Standards for registration of the business of discharging wastes into the sea under the provisions of Article 18 of the Act (hereafter referred to as the "business of discharging wastes into the sea") shall be as shown in the attached Table 4.

(2) Standards for waste transport ship, the scale and structure of storage facilities and equipment under the provisions of paragraph (1) shall be prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries,

[This Article Wholly Amended by Presidential Decree No. 16707, Feb. 9, 2000]

Article 11 (Application for Registration of Business of Discharging Wastes into Sea)

Any person who intends to register his business of discharging wastes into the sea shall file an application (including an electronic application), attached with documents (including an electronic document) falling under each of the following subparagraphs, with the Minister of Maritime Affairs and Fisheries: *Provided*, That when the information as included in the following documents can be confirmed through joint use of administrative information under Article 21 (1) of the Act on Promotion of the Digitalization of Administrative Affairs, etc. for Creation of Digital Government,

such confirmation may be substituted for such documents: *<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 16707, Feb. 9, 2000; Presidential Decree No. 18312, Mar. 17, 2004>*

1. Articles of association and a copy of register of a juristic person (limited to the case where such applicant is a juristic person);
2. Project plan;
3. Document describing equipment and structure of a ship;
4. Documents indicating the name, type, gross tonnage, and navigational capacity of a ship; or
5. Other documents as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

Article 12 (Certificate of Registration)

(1) The Minister of Maritime Affairs and Fisheries shall, when he grants the registration of the business of discharging wastes into the sea, deliver a registration certificate to the applicant.

<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 16707, Feb. 9, 2000>

(2) and (3) Deleted. *<by Presidential Decree No. 16074, Dec. 31, 1998>*

Article 13 Deleted. *<by Presidential Decree No. 16707, Feb. 9, 2000>*

Articles 14 and 15 Deleted. *<by Presidential Decree No. 16074, Dec. 31, 1998>*

Article 16 (Places into Which Wastes Banned from Being Discharged)

The term "places prescribed by the Presidential Decree" in the main sentence of Article 34 (1) of the Act except for each subparagraph means places falling under each of the following subparagraphs:

1. Harbor areas under the provisions of subparagraph 4 of Article 2 of the Harbor Act;
2. Fishing port areas under the provisions of subparagraph 2 of Article 2 of the Fishery Harbors Act;
3. Power plants, steelworks, shipyards and oil refineries adjacent to the sea; and
4. Waters for which fishing permits have been granted under the provisions of Article 8 of the Fisheries Act.

[This Article Wholly Amended by Presidential Decree No. 16707, Feb. 9, 2000]

Article 17 Deleted. *<by Presidential Decree No. 16707, Feb. 9, 2000>*

Article 18 Deleted. *<by Presidential Decree No. 16074, Dec. 31, 1998>*

Article 19 (Application for Registration of Prevention, Removal and Cleaning Business)

A person who intends to apply for the registration of prevention and removal business or oil hold cleaning business (hereafter referred to as the "prevention, removal and cleaning business") under the provisions of Article 37 (1) of the Act shall submit to the Commissioner of the National Maritime Police Agency, a written application (including an electronic application) for registration accompanied by the documents (including an electronic document) falling under each of the

following subparagraphs: *Provided*, That when the information as included in the following documents can be confirmed through joint use of administrative information under Article 21 (1) of the Act on Promotion of the Digitalization of Administrative Affairs, etc. for Creation of Digital Government, such confirmation may be substituted for such documents: *<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 18312, Mar. 17, 2004>*

1. Articles of association and a copy of register of a juristic person (limited to a case where it is a juristic person);
2. Specifications of facilities and equipment;
3. Documents indicating present condition of technical experts employed and certifying their qualifications; and
4. Deleted. *<by Presidential Decree No. 16707, Feb. 9, 2000>*

Article 20 (Certificate of Registration)

(1) The Commissioner of the National Maritime Police Agency shall issue a certificate to the applicant concerned where the prevention, removal and cleaning business is registered. *<Amended by Presidential Decree No. 15135, Aug. 8, 1996>*

(2) Deleted. *<by Presidential Decree No. 16074, Dec. 31, 1998>*

Article 21 Deleted. *<by Presidential Decree No. 16074, Dec. 31, 1998>*

Article 22 (Plan for Removal and Disposal of Sea Wastes)

(1) The sea area management office shall draw up a plan for removal and disposal of sea wastes every 5 years under the provisions of Article 46-2 (1) of the Act and examine whether to alter such plan every year.

(2) The plan for removal and disposal of sea wastes under paragraph (1) shall include matters falling under each of the following subparagraphs:

1. The quantity of sea wastes by kind and the anticipated quantity of such sea wastes;
2. The current disposal of sea wastes and future disposal plan;
3. Current ships and facilities used to dispose of the sea wastes and future plan; and
4. Plan to secure necessary financial resources.

[This Article Wholly Amended by Presidential Decree No. 16707, Feb. 9, 2000]

Article 22-2 (Expenses Required for Removal and Disposal of Sea Wastes)

The sea area management office shall, when it intends to collect expenses required for removal and disposal of sea wastes under the provisions of Article 46-2 (3) of the Act, notify in advance any person responsible for any sea wastes of a plan for removal and disposal of sea wastes.

[This Article Newly Inserted by Presidential Decree No. 16707, Feb. 9, 2000]

Article 22-3 (Computation of Shares for Improvement of Marine Environments)

(1) Shares for improvement of marine environments against the act of discharging wastes into the

sea by the operator of business of discharging wastes into the sea under Article 46-3 (1) 1 of the Act (hereinafter referred to as the "shares") shall be computed pursuant to the following standards:

Quantity of wastes discharged into the sea × Standard imposed amount per unit × Imposing coefficient

(2) Unit standard for the quantity of wastes discharged into the sea shall be a cubic meter. In such case, any quantity less than a cubic meter shall be applied by rounding off to the nearest integer.

(3) Standard imposed amount per unit shall be 800 won, but from January 1, 2004, it shall be raised 100 won per year for 3 years.

(4) Imposing coefficient shall be as shown in the attached Table 4-2.

[This Article Newly Inserted by Presidential Decree No. 17738, Sep. 11, 2002]

Article 22-4 (Imposition and Collection of Shares)

(1) Shares under Article 22-3 (1) of the Act shall be computed and imposed by each quarter.

(2) Any person liable to pay the shares shall prepare the wastes handing over or taking over document under the conditions as determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries, and submit it to the Minister of Maritime Affairs and Fisheries, within 20 days from the day the wastes have been discharged into the sea, and submit the actual quarterly record of wastes discharged into the sea not later than the 10th of the month next to such quarter, respectively.

(3) The Minister of Maritime Affairs and Fisheries shall compute the shares on the basis of the actual record of wastes discharged into the sea under the provisions of paragraph (2), and issue a payment notice not later than the 15th of the month next to such quarter, under the conditions as determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries.

(4) Time limit for payment of the shares shall be the last day of the month a payment notice has been issued.

[This Article Newly Inserted by Presidential Decree No. 17738, Sep. 11, 2002]

Article 22-5 (Installment Payment of Shares)

(1) The Minister of Maritime Affairs and Fisheries may permit an installment payment of the shares under Article 22-3 (1), upon receipt of an application therefor from the person liable to pay it.

(2) Any person intending to pay the shares in installments shall submit a written application (including an electronic application) for payment of shares in installments within 5 days from the day of receiving a payment notice to the Minister of Maritime Affairs and Fisheries, and the said Minister shall notify in writing the applicant of whether or not granting such permission. *<Amended by Presidential Decree No. 18312, Mar. 17, 2004>*

(3) When the person liable to pay, who has received a notice of permission for installment payment, comes to fall under any of the following subparagraphs, the Minister of Maritime Affairs and Fisheries may revoke the said permission for installment payment, and collect all at once the amount related to the installment payment. In such case, the said Minister shall notify in writing the person

liable to pay of such purports:

1. When he has failed to pay the amount of installment payment not later than the designated time limit; and
2. When deemed that it is impossible to collect the whole amount related to such installment payment not later than the time limit for such installment payment, due to either falling under any subparagraph of Article 14 (1) of the National Tax Collection Act, or any causes corresponding thereto.

[This Article Newly Inserted by Presidential Decree No. 17738, Sep. 11, 2002]

Article 22-6 (Computation, etc. of Amount of Installment Payment)

- (1) Any amount of installment payment shall be in principle fixed by equalizing the shares for relevant quarter by month, limited to 3 occasions only, and the time limit for installment payment on each occasion shall be the last day of the month a payment notice of shares for relevant quarter has been delivered, in the case of the first occasion; and the last day of the month next thereto respectively in succession, in the case of the remainders.
- (2) Any person liable to make installment payment shall pay it by summing up the interest amounts calculated for the number of days, from the day next to the time limit for installment payment for immediately preceding occasion to the time limit for installment payment for each occasion, on the basis of the remaining amount after deducting the amount of installment payment up to the immediately preceding occasion, or deducting the aggregate of the amount of installment payment from the total amount of installment payment. In this case the interest amounts shall be computed by multiplying an interest rate of six percent per annum with respect to the amount to be paid.

[This Article Newly Inserted by Presidential Decree No. 17738, Sep. 11, 2002]

Article 22-7 (Adjustment of Shares)

- (1) In case where the imposed and collected shares fall under any of the following subparagraphs, the Minister of Maritime Affairs and Fisheries shall compute once again and adjust the shares, but when there exist any differences between the already-paid amount and the adjusted amount, he shall either impose such difference again, or return it:

1. Where any person subject to payment of shares has been mistakenly designated;
2. Where any person subject to imposition of shares or the method of its calculation has been mistakenly applied;
3. Where the computation of the amount of installment payment and the amount of its interests have been mistakenly made; and
4. Where the amount of shares has been mistakenly imposed due to other causes.

- (2) When the Minister of Maritime Affairs and Fisheries intends to impose or return the shares by adjusting them under paragraph (1), he shall notify it by the document indicating such amount, time limit for payment, payment place, and other necessary matters.

[This Article Newly Inserted by Presidential Decree No. 17738, Sep. 11, 2002]

Article 22-8 (Application for Adjustment of Shares)

(1) Any person subjected to a notice of payment or a permission for installment payment may, in the case that falls under any subparagraph of Article 22-7 (1), file an application for adjustment of relevant shares within 30 days from the day he has been subjected to a payment notice or a permission for installment payment.

(2) When there exists any application for adjustment under the provisions of paragraph (1), the Minister of Maritime Affairs and Fisheries shall notify the applicant or a new person liable to pay of the results of such disposition within 30 days, and when there exist any differences between the already-paid amount and the adjusted amount, he shall either impose such difference again, or return it under the provisions of Article 22-7 (2).

(3) Any application for adjustment under the provisions of paragraph (1) shall not affect the time limit for payment of shares.

[This Article Newly Inserted by Presidential Decree No. 17738, Sep. 11, 2002]

Article 23 (Discharge Standards of Wastes such as Oil, etc. in Large Quantities)

The term "standards determined by the Presidential Decree" in Article 47 (1) of the Act means those of the attached Table 5. *<Amended by Presidential Decree No. 16707, Feb. 9, 2000>*

Article 24 (Emergency Measures in Case of Discharge of Wastes such as Oil, etc.)

The emergency measures pursuant to the provisions of Article 48 (1) of the Act shall be the most effective and adequate measures to be taken on the spot, which fall under each of the following subparagraphs, so as to prevent the spread of oil, harmful liquid materials or wastes (hereinafter referred to as "wastes such as oil, etc.") discharged or being discharged or to remove them (hereinafter referred to as the "prevention and removal"): *<Amended by Presidential Decree No. 16707, Feb. 9, 2000>*

1. Installation of fences or other measures necessary for the prevention of spread of wastes such as oil, etc.;
2. Measures for emergency repairs of damaged parts of ship or facilities, or other measures necessary for the prevention of continuous discharges of wastes such as oil, etc.;
3. Measures for transferring wastes such as oil, etc. on board a ship or facility concerned into other oil or cargo tanks of that ship or facility;
4. Measures for recovering wastes such as oil, etc.;
5. Measures for the elimination of wastes such as oil, etc. by using the materials or chemicals for prevention and removal of the marine pollution; or
6. Other possible measures for the recovery of wastes such as oil, etc.

Article 25 (Measures for Prevention and Removal in Case of Discharge of Wastes such as Oil,

etc.)

Measures for the prevention and removal pursuant to the provisions of Article 48 (2) of the Act shall be the most effective and adequate measures, which fall under each of the following subparagraphs, to be taken for the prevention and removal of wastes such as oil, etc. discharged or being discharged:

1. Measures pursuant to the provisions of each subparagraph of Article 24;
2. Measures for transferring wastes such as oil, etc. on board a ship or facility concerned into oil or cargo tanks of other ships or facility;
3. Measures for preventing secondary pollution caused by the recovered wastes such as oil, etc.; or
4. Safety measures for treating the recovered wastes such as oil, etc., the materials and the chemicals used for the prevention and removal, which are not suitable for reuse.

Article 26 (Order for Prevention and Removal Measures)

An order to take prevention and removal measures by the Commissioner of the National Maritime Police Agency pursuant to the provisions of Article 48 (3) of the Act shall contain the matters of the following subparagraphs: *<Amended by Presidential Decree No. 15135, Aug. 8, 1996>*

1. Period of prevention and removal measures;
2. Marine area requiring prevention and removal measures; and
3. Contents of prevention and removal measures.

Article 27 (Disposition of Response Ships, etc.)

(1) A person who is liable for disposing responses ships or equipment (hereinafter referred to as "response ships, etc.") under the provisions of Article 49-2 (1) of the Act shall be the owner (in case of a lease, it refers to the lessee) of oil tankers or oil storage facilities falling under each of the following subparagraphs to be used for transporting or storing oil pursuant to the provisions of Article 2 of the Enforcement Decree of the Compensation for Oil Pollution Damage Guarantee Act and gasoline: *<Amended by Presidential Decree No. 15507, Nov. 8, 1997>*

1. Oil tanker whose tonnage is 500 tons or more; or
2. Oil storage facility with capacity of not less than 10,000 kiloliter (in case two or more oil storage facilities are installed where marine installations are installed, these criteria shall be dependent on an aggregate capacity of the oil storage facilities and marine installations).

(2) Response ships or equipment to be self-disposed pursuant to the provisions of paragraph (1) are as shown the attached Table 6, and other matters necessary for the disposition shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 16707, Feb. 9, 2000>*

(3) The terms "criteria as prescribed by the Presidential Decree" listed in Article 49-2 (4) of the Act means the attached Table 7, and "person who meets the criteria as prescribed by the Presidential Decree" listed in Article 49-2 (4) of the Act means the person who meets the criteria listed in the attached Table 8. *<Newly Inserted by Presidential Decree No. 15507, Nov. 8, 1997; Presidential*

Decree No. 16707, Feb. 9, 2000>

Article 28 (Coastal Areas Requiring Prevention and Removal Measures by Facilities Management Agency)

"Facilities prescribed by the Presidential Decree" pursuant to the provisions of the proviso of Article 50 (1) of the Act means the harbor facilities (exclusive of the facilities in the water) pursuant to the provisions of subparagraph 6 of Article 2 of the Harbor Act.

Article 29 (Scope of Liability for Expenses)

(1) The scope of expenses spent on prevention and removal measures which shall be imposed on the owner of a ship or the person who installs marine installations under the provisions of the purview of Article 50 (2) of the Act shall be depended on each of the following subparagraphs: *Provided*, That with regarded to the payment of expenses of machines, apparatus, and other goods pursuant to the provisions of subparagraphs 1 and 2, the same kind of things as used in the prevention and removal measures may be provided in lieu of the payment of money: *<Amended by Presidential Decree No. 15507, Nov. 8, 1997>*

1. Amount equivalent to the value of machines, apparatus and goods destroyed or lost for the prevention and removal measures;
2. Repair charges for machines and apparatus used for prevention and removal measures: *Provided*, That where it is impossible to be used for the same function even after being repaired, it shall be the value of the machines and apparatus just before they were used for prevention and removal measures;
3. Lease charges of machines and apparatus used for prevention and removal measures, and expenses spent in washing;
4. Operation cost of a ship used for the prevention and removal measures, personnel expenses (including travel and welfare expenses) and other expenses; or
5. Expenses spent on the towage of ships, the transportation of machines, apparatus and goods, etc. for the prevention and removal measures, and the elimination, transfer and treatment of the discharged and recovered wastes such as oil, etc. and other goods.

(2) In cases where he intends to impose, under the provisions of the purview of Article 50 (2) of the Act, the expenses pursuant to the provisions of paragraph (1) on the owner of a ship or the person who installs marine installations, the Commissioner of the National Maritime Police Agency, the head of *Si/Gun/Gu* (it refers to the head of *Gu* which is a local government and hereafter the same shall apply) or the head of the facilities management agency pursuant to the provisions of Article 28 shall notify the person concerned of clear bases on which the calculation of expenses is relied.

<Amended by Presidential Decree No. 15135, Aug. 8, 1996>

Article 30 (Reasons for Exemption from Liability for Expenses)

The "reasons prescribed by the Presidential Decree" pursuant to the provisions of the proviso of Article 50 (2) of the Act shall be those resulted from an act of war, civil war or other *force majeure*.

Article 31 (Composition, etc. of Marine Pollution Prevention and Removal Countermeasure Committee)

(1) The Marine Pollution Prevention and Removal Countermeasure Committee (hereafter referred to as the "Countermeasure Committee") shall be composed of not more than fifteen members, including a chairman and a vice-chairman.

(2) The chairman shall be the Vice Minister of Maritime Affairs and Fisheries, the vice-chairman shall be the Commissioner of the National Maritime Police Agency, and members shall be those who are designated by the Minister of Finance and Economy, the Minister of Foreign Affairs and Trade, the Minister of National Defense, the Minister of Government Administration and Home Affairs, the Minister of Science and Technology, the Minister of Commerce, Industry and Energy, the Minister of Environment, the Minister of Maritime Affairs and Fisheries and the Deputy Minister of the Office of Government Coordination under the Prime Minister, respectively, among the public officials of Grade III or higher belonging to the Ministry concerned (in case of the Ministry of Foreign Affairs and Trade, public officials in foreign service under Article 3 (2) 1 through 4 of the Decree on the Appointment of Public Officials in Foreign Service), and those who are commissioned by the Minister of Maritime Affairs and Fisheries among the persons of abundant academic knowledge and practical experience on the prevention and removal of the marine pollution. <Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 16074, Dec. 31, 1998; Presidential Decree No. 17269, Jun. 30, 2001; Presidential Decree No. 19195, Dec. 28, 2005>

(3) The term of office of a members shall be two years: *Provided*, That a member appointed to fill a vacancy shall hold office for the remainder of the predecessor's term.

Article 32 (Functions of Countermeasure Committee)

The Countermeasure Committee shall make a deliberation on the following matters: <Amended by Presidential Decree No. 15135, Aug. 8, 1996>

1. Matters concerning modification or improvement of institutions for the prevention and removal measures of marine pollution;
2. Matters concerning cooperation in functions of each central administrative agency necessary for the establishment of a plan for prevention and removal measures and support of persons, budget, materials, equipment, treatment facilities, etc. for executing the plan in case of accidents of marine pollution;
3. Matters concerning cooperation in functions of regional marine pollution prevention and removal countermeasure council;
4. Matters concerning making of emergency prevention and removal measures against incidents of

marine pollution;

5. Deleted; and <by *Presidential Decree No. 16707, Feb. 9, 2000*>

6. Other matters which are presented on deliberation by the Minister of Maritime Affairs and Fisheries or by the chairman with regard to the prevention and removal of marine pollution.

Article 33 (Duties, etc. of Chairman)

(1) The chairman shall represent the Countermeasure Committee and take charge of the functions of it.

(2) The vice-chairman shall assist the chairman and act for him in case where the chairman is unable to perform his duties for compelling causes. <Amended by *Presidential Decree No. 15507, Nov. 8, 1997*>

(3) In case where both the chairman and the vice-chairman are unable to perform their duties for compelling causes, a member nominated by the chairman shall act for the chairman. <Amended by *Presidential Decree No. 15507, Nov. 8, 1997*>

Article 34 (Meetings of Countermeasure Committee)

(1) The chairman shall convene a meeting of the Countermeasure Committee and preside over it.

(2) In cases where it is deemed necessary in convening a meeting of the Countermeasure Committee in respect of incidents of the marine pollution, the chairman may have the public officials concerned, who belong to a Metropolitan City or *Do* (hereafter referred to as the "City/ *Do*") nearby the marine area where any incident has taken place, appear before the Countermeasure Committee and hear his opinions on the incidents.

(3) A meeting of the Countermeasure Committee shall be convened at the request of a majority of all the members, and its decision shall be taken by a majority vote of the members present and voting.

(4) The chairman shall notify decided matters by the Countermeasure Committee without delay to the Minister of Maritime Affairs and Fisheries. <Amended by *Presidential Decree No. 15135, Aug. 8, 1996*>

Article 35 (Secretary, etc.)

(1) The Countermeasure Committee shall appoint one secretary and some registrars to perform the functions that are necessary for the administration of the Countermeasure Committee.

(2) The secretary and registrars shall be nominated by the Minister of Maritime Affairs and Fisheries among persons who are the public officials of the National Maritime Police Agency. <Amended by *Presidential Decree No. 15135, Aug. 8, 1996*>

(3) The Countermeasure Committee shall prepare and keep its minutes.

Article 36 (Allowance and Travel Expenses)

The Countermeasure Committee may pay allowance and travel expenses within the limits of the

budget to the members who are present at a meeting of the Countermeasure Committee, other than the public officials.

Article 37 (Regional Marine Pollution Prevention and Removal Countermeasure Council)

(1) Any regional marine pollution prevention and removal countermeasure council pursuant to the provisions of Article 51 of the Act (hereafter referred to as the "regional countermeasure council") shall be composed of not more than twenty members, including a chairman.

(2) The chairman shall be the Chief of Maritime Police Station in charge of the regional area concerned, members shall be one or more public officials belonging to the Environmental Management Office, the Regional Maritime Affairs and Fisheries Office, the Maritime Police Station, Navy Fleet Headquarters, City/*Do* and *Si/Gun/ Gu*, who are nominated by the head of each administrative agency, respectively, and those who are commissioned by the chairman among those who are engaged in the operations of the prevention and removal of regional marine pollution such as the officers and employees of the Fisheries Cooperative for each relevant district, the owner of the ship or facilities involved in the incidents of the marine pollution, the officers and employees of oil refinery businesses, representatives of residents, etc. <Amended by Presidential Decree No. 15379, May 24, 1997>

(3) The regional countermeasure council shall make a deliberation on the matters in the following subparagraphs:

1. Planning for the prevention and removal measures against the incidents of the marine pollution;
2. Coordination of functions of the relevant local administrative agencies concerning the support of persons, materials, equipment, treatment facilities which are necessary for the prevention and removal measures in case of incidents of the marine pollution;
3. Technical advice on the prevention and removal of the marine pollution; and
4. Other matters which are presented for deliberation by the Commissioner of the National Maritime Police Agency and the chairman in respect of the prevention and removal of the marine pollution.

(4) The chairman may constitute and operate a separate regional countermeasure council in each marine area in consideration of the peculiarities of each marine area under his control.

(5) The provisions of Article 36 shall apply *mutatis mutandis* to travel expenses and allowance of the members who are present at the regional countermeasure council.

(6) Matters necessary for the operation of the regional countermeasure council shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. <Amended by Presidential Decree No. 15135, Aug. 8, 1996>

Article 38 (Prevention and Removal Countermeasure Headquarters)

(1) The head of the Prevention and Removal Countermeasure Headquarters pursuant to the provisions of Article 51 of the Act (hereafter referred to as the "head of the Headquarters") shall be

the Commissioner of the National Maritime Police Agency and it shall be composed of the public officials belonging to the National Maritime Police Agency and those dispatched by the head of the relevant administrative agency.

(2) The head of the Headquarters may request the head of the relevant administrative agency to dispatch the public officials who will work for the Prevention and Removal Countermeasure Headquarters, and to provide manpower and equipment necessary for the prevention and removal operation, and the head of the relevant administrative agency who has received such requests shall accept them unless there are special reasons.

(3) The head of the Headquarters shall take charge of the affairs in the following subparagraphs:

1. Establishment and execution of the plan for prevention and removal operation;
2. Command and control of the persons and equipment mobilized for the prevention and removal operations;
3. Determination of methods of prevention and removal; and
4. Other matters necessary for the prevention and removal measures.

(4) Matters necessary for the operation of the Prevention and Removal Countermeasure Headquarters shall be determined by the Commission of the National Maritime Police Agency.

<Newly Inserted by Presidential Decree No. 15507, Nov. 8, 1997>

Article 39 (Prevention and Removal Technical Assistance Group)

The Commissioner of the National Maritime Police Agency may organize a prevention and removal technical assistance group with experts from research institutes specializing in the prevention and removal of sea pollution and wastes to carry out the business of preventing and removing such sea pollution and wastes, and get advices and technical support from such group with respect to the calculation of the quantity of oil spilled on an accident sea area, the method of handling any ship in trouble, the estimate of the proliferation of spilled oil and option for the method of preventing such oil spill and removing such spilled oil.

[This Article Wholly Amended by Presidential Decree No. 16707, Feb. 9, 2000]

Article 39-2 (Criteria and Procedures for Imposition of Contributions)

(1) The criteria and procedures for imposition of contributions referred to in Article 52-4 (2) of the Act are as shown in the attached Table 9. *<Amended by Presidential Decree No. 16707, Feb. 9, 2000>*

(2) Other matters necessary for procedures for imposition and collection of contributions shall be determined by the articles of association of the Korea Marine Pollution Response Corporation (hereinafter referred to as the "Corporation") referred to in Article 52-2 of the Act.

[This Article Newly Inserted by Presidential Decree No. 15597, Nov. 8, 1997]

Article 39-3 (Officers)

(1) The Corporation shall assign not more than three directors, including a chairman and an auditor, as officers.

(2) The term of office for the officers shall be three years, and any officer may be reappointed only once.

[This Article Newly Inserted by Presidential Decree No. 15597, Nov. 8, 1997]

Article 39-4 (Operating Committee)

(1) The Corporation shall establish the Operating Committee to deliberate and vote on matters falling under each of the following subparagraphs in accordance with the provisions of Article 52-8 of the Act: *<Amended by Presidential Decree No. 16707, Feb. 9, 2000>*

1. Matters concerning budget and settlement of accounts;
2. Matters concerning projects and the execution of such projects;
3. Matters concerning the alteration of the articles of association;
4. Matters concerning office regulations and the fixed number of officers and employees;
5. Matters to be put on agenda of the general meeting of the Corporation and other matters mandated by such general meeting; and
6. Other important matters concerning the operation of the Corporation.

(2) The members of the Operating Committee shall be composed of the following persons:

<Amended by Presidential Decree No. 16074, Dec. 31, 1998; Presidential Decree No. 18796, Apr. 22, 2005>

1. One person, respectively, who is appointed by the general meeting of the Corporation from among officers of oil refineries (referring to petroleum refiners, petroleum importers/exporters, petroleum sellers and petroleum stockpiling agents under the Petroleum and Petroleum Substitute Fuel Business Act), owners of oil storage facilities (referring to lessees in the case of a lease), and coastal and foreign transport businessmen under the Marine Transport Act;
2. One person, respectively, who is appointed by the head of the relevant agency at the request of the Minister of Maritime Affairs and Fisheries from among public officials of Grade II or III belonging to the Ministry of Commerce, Industry and Energy and the National Maritime Police Agency;
3. One person, respectively, who is appointed by the Minister of Maritime Affairs and Fisheries from among public officials of Grade II or III belonging to the Ministry of Maritime Affairs and Fisheries; and
4. The chairman of the Corporation.

(3) The commissioner of the Operating Committee shall be the chairman of the Corporation.

(4) Deleted. *<by Presidential Decree No. 16707, Feb. 9, 2000>*

(5) Other matters necessary for the operation of the Operating Committee shall be determined by the articles of association of the Corporation.

[This Article Newly Inserted by Presidential Decree No. 15597, Nov. 8, 1997]

Article 39-5 (Entries of Articles of Association)

The article of association of the Corporation shall include matters falling under each of the following subparagraphs in accordance with the provisions of Article 52-8 of the Act:

1. Objective;
2. Name;
3. Locations of principal office and branch offices;
4. Business and matters concerning the execution of such business;
5. Matters concerning property and financial accounts;
6. Matters concerning officers and employees;
7. Matters concerning the alteration of the articles of association; and
8. Matters concerning the method of publication.

[This Article Newly Inserted by Presidential Decree No. 16707, Feb. 9, 2000]

Article 40 (Survey of Sea Pollution Impact)

(1) The case in which a survey of sea pollution impact is required to be conducted in accordance with the provisions of Article 52-10 (1) of the Act shall be as shown in the attached Table 10.

(2) Standards for designating any sea pollution impact survey institution (hereafter referred to as "survey institution") in accordance with the provisions of Article 52-10 (2) of the Act shall be as shown in the attached Table 11.

(3) The Minister of Maritime Affairs and Fisheries may determine and publish standard expenses by sea area and sea pollution quantity in accordance with the provisions of the main sentence of Article 52-10 (3) of the Act.

(4) The term "other case that falls under the cause prescribed by the Presidential Decree" in the proviso of Article 52-10 (3) of the Act means the case falling under each of the following subparagraphs:

1. The case that falls under Article 5 (1) 1 or 2 of the Act;
2. The case that falls under Article 34 (1) 1 or 2 of the Act; and
3. The case in which the owner of a ship or the installer of marine facilities goes bankrupt.

(5) The term "period prescribed by the Presidential Decree" in Article 52-10 (4) of the Act means three months from the date on which an accident occurred and the term "case that is deemed necessary to be inspected urgently as prescribed by the Presidential Decree" means the case falling under each of the following subparagraphs:

1. The case in which wastes such as oil, etc. are spilled in quantity in excess of the scale prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries; and
2. The case in which the spread of wastes such as oil, etc. is expected to cause massive damages to sea-farm facilities.

[This Article Wholly Amended by Presidential Decree No. 16707, Feb. 9, 2000]

Article 40-2 (Survey Items of Sea Pollution Impact)

The survey items of sea pollution impact under the provisions of Article 52-11 of the Act shall be as shown in the attached Table 12.

[This Article Newly Inserted by Presidential Decree No. 16707, Feb. 9, 2000]

Article 40-3 (Composition of Marine Pollution Impact Survey Assessment Committee)

(1) The Marine Pollution Impact Survey Assessment Committee (hereafter referred to as the "Assessment Committee") established pursuant to the provisions of Article 52-12 of the Act shall consist of not more than 10 members including one chairman and one vice chairman.

(2) The chairman, vice chairman and members shall be commissioned by the Minister of Maritime Affairs and Fisheries from among the persons of profound knowledges and experiences in the preservation of marine environment.

(3) The terms of office for such members shall be two years.

[This Article Newly Inserted by Presidential Decree No. 16707, Feb. 9, 2000]

Article 40-4 (Functions of Assessment Committee)

The Assessment Committee shall deliberate matters falling under each of the following subparagraphs:

1. Requirements for designating any survey institution;
2. Whether to conduct the impact survey under the provisions of Article 52-10 (4) of the Act;
3. The validity of survey results under the provisions of Article 52-10 of the Act; and
4. Plans for restoration of environment based on survey results under the provisions of Article 52-10 of the Act.

[This Article Newly Inserted by Presidential Decree No. 16707, Feb. 9, 2000]

Article 40-5 (Duties of Chairman)

(1) The chairman of the Assessment Committee shall represent the Assessment Committee and exercise general control of the Assessment Committee's affairs.

(2) The vice chairman shall assist the chairman and shall perform the chairman's duties on behalf of him when the chairman is unable to perform his duties due to unavoidable reasons.

[This Article Newly Inserted by Presidential Decree No. 16707, Feb. 9, 2000]

Article 40-6 (Meeting of Assessment Committee)

(1) The chairman of the Assessment Committee shall call any meeting of the Assessment Committee and preside over such meeting.

(2) Any meeting of the Assessment Committee shall open with the attendance of a majority of the total members and resolve with the concurrent vote of a majority of those present.

(3) The Assessment Committee shall make and keep minutes.

(4) Allowances and travel expenses may be paid within limits of budget to members who attend any meeting of the Assessment Committee.

[This Article Newly Inserted by Presidential Decree No. 16707, Feb. 9, 2000]

Article 41 Deleted. *<by Presidential Decree No. 16707, Feb. 9, 2000>*

Article 42 (Check of Offices)

The sea area management office and the Commissioner of the National Maritime Police Agency shall, when they let their officials check offices of ships and marine facilities and offices of operators of the business of preventing and cleaning wastes such as oil, etc. in accordance with the provisions of Article 56 (1) of the Act, notify in advance such operators of reasons thereof.

[This Article Wholly Amended by Presidential Decree No. 16707, Feb. 9, 2000]

Article 43 (Marine Environmental Guard)

(1) The marine environmental guard pursuant to the provisions of Article 57 (1) of the Act shall be appointed by the Commissioner of the National Maritime Police Agency, among the public officials who are under his jurisdiction and fall under any of the following subparagraphs: *<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 15507, Nov. 8, 1997>*

1. A person who has obtained qualifications of Grade II and above for water quality environmental engineer, chemical engineer, industrial chemical engineer, marine engineer, maritime inspection engineer, marine resources development engineer, ship-mechanic engineer, or shipbuilding engineer or one who has acquired qualifications of Grade III and above for a mate, engineer or navigator;
2. A person who has acquired a bachelor's degree in science and engineering or above under the Higher Education Act or the Act on the Acquisition of Academic Degrees through Self-Education;
3. A person who has acquired a bachelor's degree or above in science and engineering in a foreign country; or
4. A person who has been engaged in marine-related services for one or more years and has been recognized to have qualifications for a marine environmental guard by the Commissioner of the National Maritime Police Agency.

(2) The duties of a marine environmental guard shall be as follows:

1. Monitoring of discharge of wastes such as oil, etc. from ships or marine installations, and instruction and inspection for ensuring the proper operation of equipment installed for the prevention of the marine pollution;
2. Instruction and inspection on facilities operated by the prevention, removal and cleaning businessman;
3. Inspection on conditions under which materials and chemicals for the prevention and removal

- are kept in ships or marine installations;
4. Inspection on relevant documents such as delivery or receipt of wastes such as oil, etc.; and
 5. Other matters concerning monitoring over the prevention of the marine pollution.

Article 44 Deleted. <by Presidential Decree No. 16707, Feb. 9, 2000>

Article 45 (Marine Environmental Preservation Advisory Committee)

(1) The Marine Environmental Preservation Advisory Committee pursuant to the provisions of Article 63 of the Act (hereafter referred to as the "Advisory Committee") shall be composed of not more than twenty members, including a chairman and a vice-chairman.

(2) The chairman shall be the Vice Minister of Maritime Affairs and Fisheries, the vice-chairman shall be any public official of Grade I or equivalent to Grade I in charge of functions related to the marine environment in the Ministry of Maritime Affairs and Fisheries, and members shall be those who are designated among public officials of Grade III or above by the Minister of Foreign Affairs and Trade, the Minister of National Defense, the Minister of Government Administration and Home Affairs, the Minister of Science and Technology, the Minister of Agriculture and Forestry, the Minister of Commerce, Industry and Energy, the Minister of Environment, the Minister of Construction and Transportation, the Minister of Maritime Affairs and Fisheries, respectively, and the Deputy Minister of the Office for Government Coordination under the Prime Minister, and those who are commissioned by the Minister of Maritime Affairs and Fisheries among the persons of abundant academic knowledge and practical experience on the preservation of the marine pollution.

<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 15507, Nov. 8, 1997; Presidential Decree No. 16074, Dec. 31, 1998>

(3) The terms of office of a member shall be two years: *Provided*, That a member appointed to fill a vacancy shall hold office for the remainder of the predecessor's term.

Article 46 (Functions of Advisory Committee)

The Advisory Committee shall make a deliberation on the matters in the following subparagraphs:

1. Establishment of the comprehensive plan for the preservation and improvement of the marine environment;
2. Matters concerning the comprehensive coordination of relevant administration on the preservation of the marine environment;
3. Surveys and research on matters necessary for the preservation and improvement of the marine environment;
4. Matters concerning the prevention of damage to be caused by the marine pollution; and
5. Other matters necessary for the preservation and improvement of the marine environment.

Article 47 (Duties, etc. of Chairman)

(1) The chairman shall represent the Advisory Committee and take charge of its administrative

functions.

(2) The vice-chairman shall assist the chairman and act for him in case where the chairman is unable to perform his duties for compelling causes. *<Amended by Presidential Decree No. 15507, Nov. 8, 1997>*

Article 48 (Meetings of Advisory Committee)

(1) The chairman shall convene a meeting of the Advisory Committee and preside over it.

(2) A meeting of the Advisory Committee shall be convened at the request of a majority of the members, and its decision shall be taken by a majority vote of the members present and voting.

Article 49 (Secretary, etc.)

(1) The Advisory Committee shall appoint one secretary and some registrars to perform the functions necessary for the administration of the Advisory Committee.

(2) The secretary and registrars shall be nominated by the Minister of Maritime Affairs and Fisheries among the public officials belonging to the Ministry. *<Amended by Presidential Decree No. 15135, Aug. 8, 1996>*

Article 50 (Minutes)

The Advisory Committee shall prepare and keep its minutes.

Article 51 (Allowance and Travel Expenses)

The Advisory Committee may pay allowance and travel expenses within the limits of the budget to the members who are present at the meetings of the Advisory Committee, other than the public officials.

Article 52 (Revocation of Form Approval on Facilities, Materials, or Chemicals to be Used for Prevention of Marine Pollution)

The Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency may revoke the form approval on facilities, materials, or chemicals to be used for the prevention of the marine pollution in case it falls under any of the following subparagraphs:

<Amended by Presidential Decree No. 15135, Aug. 8, 1996>

1. In case where one has obtained a form approved or has undergone examination in deceitful or unlawful ways;
2. In case where one has sold facilities, materials or chemicals which do not meet the standards of performance test; or
3. Deleted. *<by Presidential Decree No. 16074, Dec. 31, 1998>*

Article 53 (Education and Training of Employees Concerned)

(1) The institutions which may educate and train the employees concerned under the provisions of Article 67 of the Act shall be as follows: *<Amended by Presidential Decree No. 15507, Nov. 8, 1997; Presidential Decree No. 16707, Feb. 9, 2000; Presidential Decree No. 17528, Mar. 2, 2002>*

1. The National Fisheries Research and Development Institute;
 2. The Korea Institute of Maritime and Fisheries Technology under the Act on the Korea Institute of Maritime and Fisheries Technology; or
 3. Deleted. *<by Presidential Decree No. 15592, Dec. 31, 1997>*
- (2) The employees concerned pursuant to the provisions of Article 67 of the Act shall complete the education and training courses falling under any one of the following subparagraphs in accordance with the Ordinance of the Ministry of Maritime Affairs and Fisheries, and the period of each course shall not exceed three days: *<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 16074, Dec. 31, 1998; Presidential Decree No. 16707, Feb. 9, 2000>*
1. Course for pollution control manager of ships;
 2. Course for pollution control manager of marine installations; or
 3. Course for mechanics or technicians engaging in the business of discharging wastes into the sea, prevention, removal and cleaning business, and ship scrapping business.
- (3) A person who has received the similar education and training courses pursuant to the provisions of paragraph (2), as prescribed by the Ordinance of the Ministry of Maritime Affairs and Fisheries shall be deemed to have completed the education and training pursuant to the provisions of Article 67 of the Act. *<Amended by Presidential Decree No. 15135, Aug. 8, 1996>*
- (4) Education and training institutions pursuant to the provisions of paragraph (1) may impose the expenses needed for educating and training trainees on those who have employed them, within the limits of the amount determined and publicized by the Minister of Maritime Affairs and Fisheries. *<Amended by Presidential Decree No. 15135, Aug. 8, 1996>*
- (5) Other matters necessary for education and training shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Presidential Decree No. 15135, Aug. 8, 1996>*

Article 54 (Delegation and Entrustment of Authority)

- (1) Under the provisions of Article 69 (1) of the Act, the Commissioner of the National Maritime Police Agency shall delegate the authority concerning the acceptance of reports on discharge of large quantities of wastes such as oil, etc. pursuant to the provisions of Article 47 of the Act to the head of police agency (including patrol ships) at the nearest distance from the discharge site of the sea. *<Amended by Presidential Decree No. 15135, Aug. 8, 1996>*
- (2) The Minister of Maritime Affairs and Fisheries shall delegate his authority with respect to matters falling under each of the following subparagraphs to the Director General of the National Fisheries Research and Development Institute under the provisions of Article 69 (1) of the Act: *<Amended by Presidential Decree No. 16707, Feb. 9, 2000; Presidential Decree No. 17528, Mar. 2, 2002>*
1. The operation of the marine environment measurement network under the provisions of Article

4-3 (1) of the Act; and

2. The operation of the marine environment information network under the provisions of Article 4-9 of the Act.

(3) Under the provisions of Article 69 (1) of the Act, the Minister of Maritime Affairs and Fisheries shall delegate the authority concerning the matters falling under any of the following subparagraphs to the Commissioner of the National Maritime Police Agency: *<Amended by Presidential Decree No. 15364, May 1, 1997; Presidential Decree No. 15598, Dec. 31, 1997; Presidential Decree No. 16707, Feb. 9, 2000; Presidential Decree No. 17738, Sep. 11, 2002>*

1. Deleted; *<by Presidential Decree No. 15507, Nov. 8, 1997>*

2. The registration of the business of discharging wastes into the sea under the provisions of Article 18 of the Act;

3. An order given to treat properly wastes under the provisions of Article 19 of the Act;

4. Revocation of registration of the business of discharging wastes into the sea and an order given to suspend such business under the provisions of Article 21 of the Act;

5. Acceptance of report on waste truster and change thereof pursuant to the provisions of Article 23 of the Act;

6. Deleted; *<by Presidential Decree No. 16707, Feb. 9, 2000>*

7. Hearings on delegated authority of that listed in subparagraphs of Article 66 of the Act; and

8. Imposition and collection of the shares for improvement of marine environments under the provisions of Article 46-3 (1) of the Act.

(4) Under the provisions of Article 69 (1) of the Act, the Minister of Maritime Affairs and Fisheries shall delegate the authority concerning the matters in any of the following subparagraphs to the Administrator of the Regional District Maritime and Port Authority: *<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 15379, May 24, 1997; Presidential Decree No. 16707, Feb. 9, 2000>*

1. Measures for improvement of marine environment under the provisions of Article 4-7 of the Act;

2. Consultations on utilization of sea areas under the provisions of Article 4-8 of the Act;

3. and 4. Deleted; *<by Presidential Decree No. 16707, Feb. 9, 2000>*

5. Deleted; *<by Presidential Decree No. 15364, May 1, 1997>*

6. Order for measures against the unseaworthy ship pursuant to the provisions of Article 29 of the Act and disposition of suspension of navigation;

7. Deleted; *<by Presidential Decree No. 16707, Feb. 9, 2000>*

8. Reinspection pursuant to the provisions of Article 31 of the Act;

9. Order for measures to install marine pollution prevention equipment, etc. against foreign ships pursuant to the provisions of Article 33 of the Act;

10. Deleted; *<by Presidential Decree No. 16707, Feb. 9, 2000>*

11. Installation and operation of storage facilities pursuant to the provisions of Article 46 of the Act;
 12. Deleted; and *<by Presidential Decree No. 15364, May 1, 1997>*
 13. Imposition and collection of a fine for negligence pursuant to the provisions of Article 80 of the Act.
- (5) Under the provisions of Article 69 (1) of the Act, the Commissioner of the National Maritime Police Agency shall delegate the authority concerning the matters in any of the following subparagraphs to the Chief of the Maritime Police Station: *<Amended by Presidential Decree No. 15135, Aug. 8, 1996; Presidential Decree No. 15507, Nov. 8, 1997; Presidential Decree No. 15598, Dec. 31, 1997; Presidential Decree No. 16707, Feb. 9, 2000>*
1. Deleted; *<by Presidential Decree No. 16707, Feb. 9, 2000>*
 2. Admission of reports on registration and alteration of the registered matters for the prevention, removal and cleaning business pursuant to the provisions of Article 37 of the Act;
 3. and 4. Deleted; *<by Presidential Decree No. 16707, Feb. 9, 2000>*
 5. Orders for appropriate treatment of waste such as oil, etc. pursuant to the provisions of Article 43 of the Act;
 6. Revocation of registration of the prevention, removal and cleaning business and an order given to suspend such business pursuant to the provisions of Article 44 of the Act;
 7. Orders for prevention and removal measures pursuant to the provisions of Article 48 (3) of the Act;
 8. and 8-2. Deleted; *<by Presidential Decree No. 16707, Feb. 9, 2000>*
 9. Prevention and removal measures pursuant to the provisions of Article 50 (1) of the Act;
 10. Measures of the liability for expenses pursuant to the provisions of Article 50 (2) of the Act;
 11. Measures for the disposal of property pursuant to the provisions of Article 52 of the Act;
 12. Admission of report on a work plan for preventing the marine pollution pursuant to the provisions of Article 53 (4) of the Act;
 13. Deleted; *<by Presidential Decree No. 16707, Feb. 9, 2000>*
 14. Request for cooperation to the administrative agency concerned pursuant to the provisions of Article 55 (1) of the Act;
 15. Request for inspection by entry and report pursuant to the provisions of Article 56 (1) of the Act;
 16. Appointment of a marine environment guard pursuant to the provisions of Article 57 of the Act;
 17. Hearings on delegated authority of that listed in subparagraphs of Article 66 of the Act; and
 18. Imposition and collection of a fine for negligence pursuant to the provisions of Article 80 of the Act.
- (6) The sea area management office or the harbor management office shall entrust the business of

managing and operating storage facilities under the provisions of Article 46 (4) of the Act, ships or treatment facilities under the provisions of Article 46-2 (2) of the Act, custody facilities under the provisions of Article 49 of the Act and treatment yards of dismantled ships under the provisions of Article 53 (5) of the Act to any person falling under each of the following subparagraphs in accordance with the provisions of Article 69 (2) of the Act: *<Amended by Presidential Decree No. 16707, Feb. 9, 2000>*

1. A person who has registered his business of preventing and cleaning wastes such as oil, etc. under the provisions of Article 37 of the Act;
2. Association;
3. An operator of the business of treating wastes under the Wastes Control Act; and
4. A fisheries cooperative established under the Fisheries Cooperatives Act.

Article 55 (Imposition of Fine for Negligence)

(1) In case where the Minister of Maritime Affairs and Fisheries or the Commissioner of the National Maritime Police Agency (hereinafter referred to as the "person entitled to impose") intends to impose a fine for negligence under the provisions of Article 80 of the Act, he shall, after inspecting and confirming the act of violation concerned, notify the person subject to a fine for negligence of the details of violation, the methods and period to raise an objection, etc. specified in writing. *<Amended by Presidential Decree No. 15135, Aug. 8, 1996>*

(2) Where the person entitled to impose intends to impose a fine for negligence under the provisions of paragraph (1), the person entitled to impose shall give the person subject to a fine for negligence an opportunity to give his opinions orally or in writing (including an electronic document) for a fixed period of ten days or more. In case where no objection is raised by the end of the fixed date, it is deemed that the person has no opinion. *<Amended by Presidential Decree No. 18312, Mar. 17, 2004>*

(3) The criteria for the imposition of a fine for negligence according to the categories of offenses shall be as prescribed in the attached Table 13: *Provided*, That the person entitled to impose may increase or reduce the amount within the limits of 1/2 of the amount concerned in consideration of motivation and frequency of the violation concerned. In

this case the total sum of fine for negligence shall not exceed one million won, where the amount is to be increased. *<Amended by Presidential Decree No. 16707, Feb. 9, 2000>*

(4) The collection procedures of a fine for negligence shall be determined by the Ordinance of the Ministry of Maritime Affairs and Fisheries. *<Amended by Presidential Decree No. 15135, Aug. 8, 1996>*

ADDENDA

(1) (Enforcement Date) This Decree shall enter into force on June 30, 1996: *Provided*, That the

amended provisions of Article 53 (1) 3 shall enter into force on January 1, 1997, and the provisions concerning the contingency plans against oil pollution kept in marine installations of the amended provisions of Articles 27, 54 (2) 1, 3 and (3) 1 shall enter into force on December 30, 1997.

(2) Omitted.

ADDENDA <Presidential Decree No. 15135, Aug. 8, 1996>

Article 1 (Enforcement Date)

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

Articles 2 through 8 *Omitted.*

ADDENDUM <Presidential Decree No. 15364, May 1, 1997>

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

ADDENDA <Presidential Decree No. 15379, May 24, 1997>

Article 1 (Enforcement Date)

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

Articles 2 through 6 *Omitted.*

ADDENDA <Presidential Decree No. 15507, Nov. 8, 1997>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Article 27 (3) shall enter into force on December 30, 1997.

(2) (Transitional Measures on Time for Imposition of Contributions) The contributions of the year 1997 for oil storage facilities under the amended provisions of the annexed Table 2-4 shall be imposed and collected not later than one month from the date of enforcement of this Decree.

(3) (Examples of Application on Period for Imposition of Contributions) Contributions to be paid to the Corporation by partners shall be 40 percent of the imposition standards under the amended provisions from the year 2002, notwithstanding the imposition standards referred to in the annexed Table 2-4.

ADDENDUM <Presidential Decree No. 15598, Dec. 31, 1997>

This Decree shall enter into force on January 1, 1998.

ADDENDUM <Presidential Decree No. 16074, Dec. 31, 1998>

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

ADDENDA <Presidential Decree No. 16514, Aug. 6, 1999>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 9, 1999.

Articles 2 through 4 *Omitted.*

ADDENDA <Presidential Decree No. 16515, Aug. 6, 1999>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 9, 1999.

Articles 2 through 6 *Omitted.*

ADDENDA <Presidential Decree No. 16707, Feb. 9, 2000>

(1) (Enforcement Date) This Decree shall enter into force on February 9, 2000.

(2) (Special Case for Environmental Impact Assessment Act) The "Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc." from among the amended provisions of Article 8 (3) shall be deemed the "Environmental Impact Assessment Act" by December 31, 2000.

(3) *Omitted.*

ADDENDA <Presidential Decree No. 17120, Jan. 29, 2001>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 29, 2001.

Article 2 *Omitted.*

ADDENDA <Presidential Decree No. 17269, Jun. 30, 2001>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2001. (Proviso *Omitted.*)

Articles 2 through 8 *Omitted.*

ADDENDA <Presidential Decree No. 17528, Mar. 2, 2002>

Article 1 (Enforcement Date)

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

Articles 2 and 3 *Omitted.*

ADDENDA <Presidential Decree No. 17738, Sep. 11, 2002>

(1) (Enforcement Date) This Decree shall enter into force on September 11, 2002.

(2) (Application Example to Imposition and Collection of Initial Shares) Shares for improvement of marine environments for the period from the enforcement date of this Decree to September 30, 2002, shall be imposed and collected by including them into the shares for the 4th quarter of 2002.

ADDENDA <Presidential Decree No. 17816, Dec. 26, 2002>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2003.

Articles 2 through 17 *Omitted.*

ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004>

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

ADDENDA <Presidential Decree No. 18796, Apr. 22, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 5 *Omitted.*

ADDENDA <Presidential Decree No. 19162, Dec. 1, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 5 *Omitted.*

ADDENDA <Presidential Decree No. 19195, Dec. 28, 2005>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2006.

Articles 2 through 4 *Omitted.*