

CULTURAL HERITAGE PROTECTION ACT

Wholly Amended by Act No. 8346, Apr. 11, 2007

Amended by Act No. 8852, Feb. 29, 2008

Act No. 9002, Mar. 28, 2008

Act No. 9116, Jun. 13, 2008

CHAPTER I GENERAL PROVISIONS

Article 1 (Purposes)

The purposes of this Act are to promote the cultural edification of nationals and to contribute to the development of human culture by preserving cultural heritage to transfer to national culture and by making it possible to utilize them.

Article 2 (Definitions)

(1) The term "cultural heritage" in this Act refers to national, racial, or world heritage, formed artificially or naturally, of outstanding historic, artistic, academic, or scenic value, which is classified into the following categories:

1. Tangible cultural heritage: Tangible cultural products of an outstanding historic, artistic, or academic value, such as buildings, records, books, ancient documents, paintings, sculptures, artifacts, and other archeological resources of similar value;
2. Intangible cultural heritage: Intangible cultural products of outstanding historic, artistic, or academic value, such as drama, music, dance, and craft skills;
3. Monuments: Those classified into the following categories:
 - (a) Historic sites, such as temple sites, ancient tombs, shell mounds, fortress ruins, old palace ruins, kiln sites, and relic-containing strata, and particularly commemorable facilities, of outstanding historic or academic value;
 - (b) Scenic sites of outstanding artistic value and excellent scenic view; and
 - (c) Animals (including their habitats, breeding places and migratory places), plants (including their places of origin), minerals, caves, geological features, biological produce, and extraordinary natural phenomena of outstanding historic, scenic, or academic value; and
4. Folklore resources: Customs or traditions related to food, clothing, housing, trades, religious rituals, annual observances, or such, and cloths, implements, and houses used for such rituals and events, essentially required for understanding changes in the life of nationals.

(2) The term "designated cultural heritage" in this Act refers to the following cultural heritage assets:

1. State-designated cultural heritage assets: Cultural heritage assets designated by the Administrator of the Cultural Heritage Administration pursuant to Articles 5 through 7;

2. City/Do-designated cultural heritage assets: Cultural heritage assets designated by the Special Metropolitan City Mayor, the competent Metropolitan City Mayor or *Do* governor, or the Governor of the Special Self-Governing Province (hereinafter referred to as the "Mayor/*Do* governor") pursuant to Article 71 (1); and
 3. Cultural heritage resources: Cultural heritage assets designated by the Mayor/*Do* governor pursuant to Article 71 (2) from among those not designated pursuant to subparagraph 1 or 2.
- (3) The term "protective zone" refers to any area designated to protect any designated cultural heritage asset, excluding the area that the designated cultural heritage asset occupies, in cases where a tangible object fixed on the ground or a certain area is designated as a cultural heritage asset.

Article 3 (Basic Principle of Protection of Cultural Heritage Assets)

The basic principle for conservation, management, and utilization of cultural heritage assets is to preserve them in their original state.

Article 4 (Establishment of Cultural Heritage Committee)

(1) The Cultural Heritage Administration shall have the Cultural Heritage Committee established to conduct surveys and deliberate on the following matters with respect to the preservation, maintenance, and utilization of cultural heritage assets:

1. Designation of State-designated cultural heritage assets and cancellation of such designation;
2. Designation of a protective facility or protective zone for any State-designated cultural heritage asset and cancellation of such designation;
3. Recognition of a holder, an honorary holder, or a holding organization of any outstanding intangible cultural heritage asset and cancellation of such recognition;
4. Issuance of an order to perform substantial repair works or restoration of any State-designated cultural heritage asset;
5. Issuance of a permit for altering the form of any State-designated cultural heritage asset or for taking any State-designated cultural heritage asset abroad;
6. Issuance of an order to restrict or prohibit activities, or to install, remove, or relocate any facility, for the environmental conservation of any State-designated cultural heritage asset;
7. Registration of cultural heritage assets and deletion of such registration;
8. Excavation of buried cultural heritage assets;
9. Matters deemed important among professional or technical matters pertaining to the preservation, management, and utilization of State-designated cultural heritage assets;
10. Recommendations of the Administrator of the Cultural Heritage Administration pertaining to the designation and maintenance of the City/Do-designated cultural heritage assets and cultural heritage resources; and
11. Other matters raised to the committee by the Administrator of the Cultural Heritage Administration for deliberation on the preservation, maintenance, and utilization of cultural heritage.

(2) The Cultural Heritage Committee may have subcommittees installed to conduct surveys and

deliberate on its business affairs by allocating them its business affairs by different categories of cultural heritage assets.

(3) Any subcommittee under paragraph (2) may hold a meeting with another subcommittee (hereinafter referred to as "joint subcommittee"), if necessary for surveys, deliberation, and other relevant matters. <Newly Inserted by Act No. 9002, Mar. 28, 2008>

(4) The Cultural Heritage Committee and each subcommittee and joint subcommittee shall prepare meeting minutes containing descriptions of the following matters. In such cases, minutes may be substituted by stenographic notes or audio or video tape recording: <Newly Inserted by Act No. 9002, Mar. 28, 2008>

1. The date, time, and place of the meeting;
2. Members present at the meeting; and
3. Details of deliberation and resolution.

(5) The minutes of meeting prepared in accordance with paragraph (4) shall be disclosed to the public: *Provided*, That the committee concerned may resolve to not disclose the minutes to the public, in cases where there is a ground specified by Presidential Decree, such as cases where it is anticipated that public disclosure will probably affect a certain person's asset interest or intrude on privacy of a certain person. <Newly Inserted by Act No. 9002, Mar. 28, 2008>

(6) Matters necessary for the organization and operation of the committee and other relevant matters shall be prescribed by Presidential Decree. <Amended by Act No. 9002, Mar. 28, 2008>

CHAPTER II STATE-DESIGNATED CULTURAL HERITAGE ASSETS

SECTION 1 Designation

Article 5 (Designation of Treasures and National Treasures)

(1) The Administrator of the Cultural Heritage Administration may designate, as treasures, more valuable cultural heritage assets than other similar assets, subject to deliberation by the Cultural Heritage Committee.

(2) The Administrator of the Cultural Heritage Administration may designate, as national treasures, cultural heritage assets of greater human cultural value, which are almost without parallel, than other similar assets falling within treasures under paragraph (1), subject to deliberation by the Cultural Heritage Committee.

Article 6 (Designation of Outstanding Intangible Cultural Heritage Assets)

(1) The Administrator of the Cultural Heritage Administration may designate, as outstanding intangible cultural heritage assets, more valuable intangible cultural heritage assets than other similar assets, subject to deliberation by the Cultural Heritage Committee.

(2) The Administrator of the Cultural Heritage Administration shall, whenever he/she designates any intangible cultural heritage asset as an outstanding intangible cultural heritage asset pursuant

to paragraph (1), recognize a holder (or a holding organization; the same shall apply hereinafter) of the outstanding intangible culture heritage asset.

(3) The Administrator of the Cultural Heritage Administration may, if any person is eligible for recognition as another holder of an outstanding intangible cultural heritage asset in addition to the holder recognized pursuant to paragraph (2), recognize such person as a holder, additionally.

(4) If any person recognized pursuant to paragraph (2) or (3) as a holder of an outstanding intangible cultural heritage asset has a difficulty in conducting education properly for passing on his/her skills and artistic talent in accordance with Article 36-2, the Administrator of the Cultural Heritage Administration may recognize him/her as an honorary holder, subject to deliberation by the Cultural Heritage Committee. In such cases, if a holder of an outstanding intangible cultural heritage asset is recognized as an honorary holder of the cultural heritage asset, the recognition as the holder of such outstanding intangible cultural heritage asset shall be deemed to be cancelled at that time.

Article 7 (Designation of Historic Sites, Scenic Spots and Natural Monu- ments)

The Administrator of the Cultural Heritage Administration may designate, as historic sites, scenic spots, or natural monuments, more valuable monuments than other similar monuments, subject to deliberation by the Cultural Heritage Committee.

Article 8 (Designation of Outstanding Folklore Resources)

The Administrator of the Cultural Heritage Administration may designate, as outstanding folklore resources, more valuable folklore resources than other similar resources, subject to deliberation by the Cultural Heritage Committee.

Article 9 (Designation of Protective Facilities or Protective Zones)

(1) The Administrator of the Cultural Heritage Administration may, if necessary particularly to protect a certain cultural heritage asset or resource, designate a facility or protective zone for the protection of the cultural heritage asset or resource when he/she designates the asset as a cultural heritage asset or resource pursuant to Article 5, 7, or 8.

(2) The Administrator of the Cultural Heritage Administration may, if deemed necessary due to a change in artificial or natural conditions, ad- just a protective facility or protective zone designated pursuant to para- graph (1). <Amended by Act No. 9002, Mar. 28, 2008>

(3) With respect to a protective facility or protective zone designated or adjusted pursuant to paragraph (1) or (2), the Administrator of the Cultural Heritage Administration shall review the appropriateness of such designation or adjustment thereof every ten years before the lapse of ten years from the date of the designation or adjustment, taking the following matters into consideration: *Provided*, That the period of time for review may be extended up to the period prescribed by Presidential Decree, if it is impossible to review the appropriateness in a timely manner due to any particular reason: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9002, Mar. 28, 2008>

1. The value of the cultural heritage asset worthy of preservation;
2. The effects of the designation of the protective facility or protective zone on the exercise of

property rights; and

3. The environment surrounding the protective facility or protective zone.

(4) Matters necessary for the designation and adjustment, the review of appropriateness, and other relevant matters under paragraphs (1) through (3) shall be prescribed by Presidential Decree. <Amended by Act No. 9002, Mar. 28, 2008>

Article 10 (Public Notification and Personal Notification of Designation)

(1) The Administrator of the Cultural Heritage Administration shall, when he/she designates any asset as State-designated cultural heritage asset (including any protective facility and protective zone therefor; the same shall apply hereafter in this Article), or recognizes any person as a holder or honorary holder of any outstanding intangible cultural heritage asset, pursuant to any provision of Articles 5 through 9, publicly notify the purport of the designation or recognition through the official gazette, and shall notify the owner, holder, or honorary holder of the cultural heritage asset of the designation or recognition without delay.

(2) If there is no owner of a cultural heritage asset designated pursuant to paragraph (1) or if it is not clearly known who the owner of such asset is, the notice shall be issued to the possessor or custodian of the cultural heritage asset.

Article 11 (Delivery of Letter of Designation)

(1) The Administrator of the Cultural Heritage Administration shall, when he/she designates an asset as a national treasure, a treasure, or an outstanding folklore resource pursuant to Article 5 or 8, deliver a letter of designation of the cultural heritage asset to the owner.

(2) The Administrator of the Cultural Heritage Administration shall, when he/she recognizes any person as a holder or an honorary holder of an outstanding intangible cultural heritage asset pursuant to any provision of Article 6 (2) through (4), deliver a letter of recognition as a holder or an honorary holder of an outstanding intangible cultural heritage asset to the person.

Article 12 (Time when Designation or Recognition Becomes Effective)

The designation or recognition under any provision of Articles 5 through 9 shall become effective on the day when the owner, holder, honorary holder, possessor, or custodian of the cultural heritage asset is notified of the designation or recognition, while it shall become effective to any person other than those named above on the day on which it is publicly notified through the official gazette.

Article 13 (Cancellation of Designation or Recognition)

(1) The Administrator of the Cultural Heritage Administration may, if an asset designated as a cultural heritage asset pursuant to Article 5, 7, or 8 loses its value as a State-designated cultural heritage asset or if any other particular ground exists, cancel the designation, subject to deliberation by the Cultural Heritage Committee.

(2) The Administrator of the Cultural Heritage Administration may, if a holder of an outstanding intangible cultural heritage asset falls under any of the following subparagraphs, cancel the recognition as a holder of the outstanding intangible cultural heritage asset, subject to deliberation by the Cultural Heritage Committee: <Amended by Act No. 9002, Mar. 28, 2008>

1. If he/she is not competent as a holder of the outstanding intangible cultural heritage asset due to a physical or mental disability;
 2. If he/she was sentenced to fine or any other heavier punishment in connection with public performance, exhibition, or examination of traditional culture and the sentence becomes final and conclusive;
 3. If he/she emigrates to a foreign country or acquires a foreign nationality; and
 4. If any other ground specified by Presidential Decree exists.
- (3) If an individual among holders or honorary holders of a certain outstanding intangible cultural heritage asset is dies, the recognition of the deceased as a holder or an honorary holder of the cultural heritage asset is cancelled, while if all individual holders of a certain outstanding intangible cultural heritage asset are dead, the designation of the outstanding intangible cultural heritage asset may be cancelled, subject to deliberation by the Cultural Heritage Committee.
- (4) The Administrator of the Cultural Heritage Administration shall, if it is found inappropriate as a result of his/her review under Article 9 (2) to keep the designation of a protective facility or protective zone or if any other particular ground exists, either cancel the designation of the protective facility or protective zone or adjust the scope of the designation. If the designation of a State-designated cultural heritage asset is cancelled, the designation of the protective facility or protective zone therefor shall also be cancelled without delay.
- (5) Articles 10 and 12 shall apply *mutatis mutandis* to the cases under paragraphs (1) through (4).
- (6) The owner of a national treasure, a treasure, or an outstanding folklore resource shall, upon receiving notice of cancellation under paragraph (5) and Article 10, return the letter of designation of the cultural heritage asset concerned to the Administrator of the Cultural Heritage Administration within 30 days from the date on which the notice is delivered.
- (7) The holder of an outstanding intangible cultural heritage asset shall, upon receiving notice of cancellation under paragraph (5) and Article 10, return the letter of recognition to the Administrator of the Cultural Heritage Administration within 30 days from the day on which the notice is delivered: *Provided*, That the same shall not apply in cases where an individual among holders of an outstanding intangible cultural heritage asset is dead.

Article 14 (Provisional Designation)

- (1) The Administrator of the Cultural Heritage Administration may, if it is urgently required to protect an asset considered worthy of designation pursuant to Article 5, 7, or 8 but there is not enough time to bring the case to the Cultural Heritage Committee for deliberation, provisionally designate the cultural heritage asset as an outstanding cultural heritage asset.
- (2) The provisional designation under paragraph (1) shall become effective on the day when it is notified to the owner, possessor, or custodian of the provisionally designated cultural heritage asset (hereinafter referred to as "provisionally designated cultural heritage asset").
- (3) The provisional designation under paragraph (1) shall be deemed to be cancelled, if the designation under Article 9, 7, or 8 is not effectuated within six months from the date of the provisional designation.

(4) Articles 10 and 11 (1) shall apply *mutatis mutandis* to paragraph (1), but the public notification through the official gazette under Article 10 (1) is not required for such case.

SECTION 2 Maintenance and Protection

Article 15 (Establishment of Plan for Preservation, Maintenance, and Utilization of Cultural Heritage)

(1) The Administrator of the Cultural Heritage Administration may establish a basic plan for the preservation, maintenance, and utilization of State- designated cultural heritage assets, subject to prior consultation with the Mayors/*Do* governors.

(2) The Administrator of the Cultural Heritage Administration shall, when he/she establishes a basic plan under paragraph (1), notify the Mayors/*Do* governors thereof, and the Mayors/*Do* governors shall prepare and implement a detailed implementation plan in accordance with the basic plan.

(3) Matters necessary for the establishment and implementation of the basic plan and the detailed implementation plans under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 16 (Maintenance by Managing Organization)

(1) The Administrator of the Cultural Heritage Administration may, if it is not clearly known who the owner of a certain State-designated cultural heritage asset is or if it is found difficult or improper to leave the maintenance of a certain State-designated cultural heritage asset with its owner or custodian, designate a local government or a legal entity or organization competent for the maintenance of the cultural heritage asset (hereinafter referred to as the "local government" in this Article) to assign it to manage the State-designated cultural heritage asset.

(2) If the owner of a cultural heritage asset exists when the Administrator of the Cultural Heritage Administration intends to designate a local government for the maintenance of the cultural heritage asset pursuant to paragraph (1), he/she shall hear and consider the opinion of the owner, and shall also hear the opinion of the local government that he/she intends to designate.

(3) The Administrator of the Cultural Heritage Administration shall, when he/she designates a local government pursuant to paragraph (1), publicly notify the purport of the designation through the official gazette without delay, and shall notify the owner or custodian of the State-designated cultural heritage asset and the local government concerned thereof.

(4) The owner or custodian of a State-designated cultural heritage asset shall not interfere with maintenance activities of the local government designated pursuant to paragraph (1) (hereinafter referred to as "managing organization") without justifiable ground.

(5) The expenses incurred in maintenance by a managing organization of a State-designated cultural heritage asset shall be borne by the managing organization, except as otherwise specially provided for by this Act, but the State or the competent local government may bear the expenses if the managing organization is not unable to bear such expenses.

(6) Article 12 shall apply *mutatis mutandis* to paragraph (1).

Article 17 (Repairs)

(1) The owner of a State-designated cultural heritage asset (referring to its managing organization, if a managing organization has been designated) shall, when he/she intends to have the cultural heritage asset repaired, engage cultural heritage assets repair engineers, cultural heritage assets repair technicians or cultural heritage assets repair businesses, who are registered with the competent Mayor/Do governor in accordance with Article 22, 26, or 27 (hereinafter referred to as "cultural heritage assets repair engineers, etc.") to repair it: *Provided*, That the same shall not apply to any minor repair works that does not affect the preservation of the cultural heritage asset concerned.

(2) Any person who repairs any cultural heritage asset in accordance with paragraph (1) shall observe the following subparagraphs while performing such repair works: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. He/she shall perform the repair works for the cultural heritage asset in good faith with sincerity;
2. He/she shall perform the repair works in compliance with the drawings, plans, and standard specifications for the repair works for the cultural heritage asset;
3. He/she shall prepare a report on the repair works in good faith and submit it to the project head; and
4. Other matters similar to those under subparagraphs 1 through 3 and specified by Ordinance of the Ministry of Culture, Sports and Tourism as those necessary for the preservation of cultural heritage assets to the original state and the improvement of quality of repair works.

(3) The categories of cultural heritage assets repair engineers, etc. under paragraph (1) and the scope of their works shall be prescribed by Presidential Decree.

(4) The Administrator of the Cultural Heritage Administration may prescribe guidelines for the actual measurement and design works required for repairing State-designated cultural heritage assets under paragraph (1), and the payment of the costs for such works.

Article 18 (Cultural Heritage Assets Repair Engineers)

(1) Cultural heritage assets repair engineers shall be responsible for technical affairs related to repair works of State-designated cultural heritage assets and shall guide and supervise works performed by technicians for repair of cultural heritage assets.

(2) Any person who desires to become a cultural heritage assets repair engineer (hereinafter referred to as "repair engineer") shall successfully pass an examination conducted for qualification for repair engineers for each engineering field concerned. In such cases, any person who intends to apply for an examination for a repair engineer in charge of the actual measurement and the preparation of drawings and plans required for repairing cultural heritage assets shall be qualified as a certified architect as defined by the Certified Architects Act .

(3) The examination for repair engineers under paragraph (2) (hereinafter referred to as "engineer examination") shall be divided into a written test and an interview test.

(4) Any Class-VI or higher public official (including a public official equivalent to or higher than Class-VI in extraordinary civil service or in contractual service) or a public official who is a member of the Senior Executive Service, who has completed a specialized educational course in repair techniques for cultural heritage assets, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, shall be exempted from part of the written test of the engineer examination for the relevant field. <Amended by Act No. 8852, Feb. 29, 2008>

(5) Any person who has successfully passed only the written test of the engineer examination under paragraph (3) may be exempted from the written test only for the next engineer examination.

(6) Matters concerning the subjects of the engineer examination under paragraphs (3) and (4) and the partial exemption from the written test, and other matters necessary for conducting the examination shall be prescribed by Presidential Decree.

Article 19 (Disqualifications)

Any person falling under any of the following subparagraphs may not be qualified as a repair engineer:

1. Any minor;
2. Any person declared incompetent or quasi-incompetent;
3. Any person declared bankrupt, but not yet reinstated;
4. Any person in whose case two years have not passed since a sentence of imprisonment without labor or any heavier punishment imposed upon him/her for a violation of the Certified Architects Act
(applicable only to any person in charge of the actual measurement and the preparation of drawings and plans required for repairing cultural heritage assets) or of this Act was completely executed (or is deemed to have been completely executed) or discharged; and
5. Any person who is under the suspension of the execution of criminal punishment as sentenced by a court for a violation of any of the Acts specified in paragraph 4.

Article 20 (Certificate of Repair Engineers)

(1) The Administrator of the Cultural Heritage Administration shall issue a certificate of repair engineer (hereinafter referred to as "certificate of repair engineer") to each person who has successfully passed the engineer examination under Article 18 (2).

(2) Any holder of a certificate of repair engineer may file an application for replacement of the certificate with the Administrator of the Cultural Heritage Administration, if he/she has lost the certificate or it has worn out.

(3) No repair engineer may allow any other person to perform repair works in his/her name, nor lend his/her certificate of repair engineer to any other person.

(4) No repair engineer may be employed concurrently by two or more cultural heritage assets repair businesses.

(5) The procedure for the issuance and replacement of certificates of repair engineer under

paragraphs (1) and (2) and matters necessary for the maintenance thereof shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

Article 21 (Revocation of Qualifications for Repair Engineers)

(1) The Administrator of the Cultural Heritage Administration shall, if a repair engineer falls under any of the following subparagraphs, revoke his/her qualification for repair engineer;

1. If he/she acquired the qualification by deceit or in any other fraudulent manner; and
2. If he/she falls under any subparagraph of Article 19.

(2) Any person whose qualification for repair engineer is revoked pursuant to paragraph (1) shall return the certificate of repair engineer to the Administrator of the Cultural Heritage Administration without delay.

(3) The Administrator of the Cultural Heritage Administration shall, when he/she revokes the qualification of a repair engineer pursuant to paragraph (1), notify the competent Mayor/Do governor thereof.

Article 22 (Registration of Repair Engineers)

(1) Any holder of a certificate of repair engineer shall, if he/she intends to engage in cultural heritage asset repair business, complete the registration of the matters specified by Ordinance of the Ministry of Culture, Sports and Tourism with the Mayor/Do governor having jurisdiction over his/her domicile: *Provided*, That a repair engineer who is employed by a cultural heritage assets repair business under Article 27 shall complete the registration with the Mayor/Do governor having jurisdiction over the place of business of the repair business. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Every repair engineer shall, whenever there is any change in material facts specified by Ordinance of the Ministry of Culture, Sports and Tourism among the matters registered in accordance with paragraph (1), file a report on the change with the Mayor/Do governor, with whom he/she has filed for the registration, within 15 days from the date of such change. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Mayor/Do governor shall, if a repair engineer files for registration or files a report on a change in accordance with paragraph (1) or (2), notify the Administrator of the Cultural Heritage Administration thereof within 15 days.

(4) Any person whose registration as a repair engineer is revoked pursuant to Article 23 (1) may not file again for the registration within two years from the date of revocation.

(5) Matters necessary for the procedure for registration of a repair engineer and the reporting on a change under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

Article 23 (Revocation of Registration of Repair Engineers)

(1) The Mayor/Do governor may, if any person who has completed the registration under Article 22 (1) falls under any of the following subparagraphs, revoke the registration or order him/her to suspend business for a prescribed period of time not exceeding two years as prescribed by

Ordinance of the Ministry of Culture, Sports and Tourism: *Provided*, That the registration shall be revoked without exception, if any person falls under any provision of subparagraphs 1 through 4:

1. If his/her qualification is revoked pursuant to Article 21 (1);
2. If he/she completed the registration by deceit or in any other fraudulent manner;
3. If he/she continued the business with disregard to the disposition of business suspension;
4. If he/she is found unable to carry on the business due to a physical or mental disability or any other reason;
5. If he/she has destroyed or damaged any cultural heritage asset while performing repair works for the cultural heritage asset (including works for improvement of surroundings of the cultural heritage asset);
6. If he/she has not complied with the provisions of Article 17 (2) in performing repair works;
7. If he/she has allowed any other person to perform repair works in his/ her name, lent his/her certificate of repair engineer to any other person, or was employed concurrently by two or more cultural heritage assets repair businesses in violation of Article 20 (3) or (4);
8. If he/she did not use repair materials as designated or did not performed repair works in a traditional style; and
9. If a repair engineer has performed any repair works that does not fall within the technical field for which he/she is qualified.

(2) The Mayor/*Do* governor shall, when he/she revokes the registration of a repair engineer or suspends the business of a repair engineer pursuant to paragraph (1), enter the details of the disposition and the grounds therefor in the certificate of the repair engineer, and shall notify the Administrator of the Cultural Heritage Administration thereof.

(3) Any person whose registration is revoked or against whom a disposition of business suspension is made pursuant to paragraph (1) shall return the certificate of repair engineer to the Mayor/*Do* governor without delay. In such cases, the Mayor/*Do* governor shall return the certificate of repair engineer kept in his/her custody to the repair engineer, against whom a disposition of business suspension was made, at the lapse of the business suspension period.

(4) The head of a central administrative agency or a local government shall, if he/she discovers that a repair engineer falls under any subparagraph of paragraph (1), notify the facts to the Mayor/*Do* governor with whom the repair engineer is registered.

Article 24 (Cultural Heritage Assets Repair Technicians)

(1) Cultural heritage assets repair technicians shall perform repair works for State-designated cultural heritage assets under the supervision of a cultural heritage assets repair engineer.

(2) Any person who desires to become a cultural heritage assets repair technician (hereinafter referred to as "repair technician") shall successfully pass the examination for repair technicians conducted for each technical skill concerned.

(3) The examination for repair technicians (hereinafter referred to as "technician examination") shall be divided into a written test and an interview test.

(4) Matters necessary for conducting the technician examination under paragraph (3) shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

Article 25 (Qualifications for Repair Technicians and Revocation of Qual- ification)

Articles 20 and 21 (excluding paragraph (1) 2) shall apply *mutatis mutandis* to the certificate of repair technician, the revocation of such qualification, and other relevant matters.

Article 26 (Registration of Repair Technicians and Revocation of Reg- istration)

Articles 22 and 23 shall apply *mutatis mutandis* to the registration of repair technicians, the revocation of such registration, and other relevant matters.

Article 27 (Registration of Cultural Heritage Assets Repair Business)

(1) Any person who intends to engage in cultural heritage assets repair business shall satisfy the requirements for technical ability and qualification, and other requirements prescribed by Presidential Decree and complete the registration with the Mayor/*Do* governor; he/she shall also file a report on change in the material facts specified by Ordinance of the Ministry of Culture, Sports and Tourism among the registered matters within 15 days from the date of such change, whenever such change has taken place. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Mayor/*Do* governor shall, when a cultural heritage assets repair business (hereinafter referred to as "repair business") completes the registration or files a report on change in accordance with paragraph (1), notify the Administrator of the Cultural Heritage Administration thereof.

(3) Any person falling under any of the following subparagraphs shall not be qualified for registration under paragraph (1). The same shall apply to a legal entity whose representative falls under subparagraph 1:

1. Any person falling under any subparagraph of Article 19;
2. Any person in whose case two years have not passed since his/her registration as a repair business was revoked pursuant to Article 28 (excluding any person whose registration was revoked pursuant to Article 28 (1) 4); and
3. Any person who is still under a disposition of business suspension pursuant to Article 82 (1) or (2) or Article 83 of the Framework Act on the Construction Industry or under a disposition of service suspension pursuant to Article 28 (1) of the Certified Architects Act

(4) No repair business may allow anyone to obtain a contract for repair works, or to perform repair works in his/her trade name, nor may lend the registration certificate or registration pocketbook of repair business issued as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

(5) Matters necessary for the procedure for registration of repair businesses and the issuance of the registration certificate, and other relevant matters shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

Article 28 (Revocation of Registration of Repair Business for Cultural Heritage Assets)

(1) The Mayor/*Do* governor may, if a repair business registered in accordance with Article 27 (1) falls under any of the following subparagraphs, revoke the registration or order him/her to suspend the business for a prescribed period of time not exceeding six months as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism: *Provided*, That the registration shall be revoked without any exception, if a repair business falls under subparagraph 1, 3, or 5:

<Amended by Act No. 8852, Feb. 29, 2008>

1. If he/she completed the registration by deceit or in any other fraudulent manner;
2. If he/she violated the provisions of Article 17 (2) in performing repair works;
3. If he/she falls under any subparagraph of Article 19;
4. If he/she no longer satisfies or has ever failed to meet the requirements for technical ability and qualification or any other requirements under Article 27 (1);
5. If he/she has continued the business in disregard of the disposition of business suspension or carried on the business in violation of the provisions of paragraph (2) concerning the business suspension;
6. If he/she has destroyed or damaged any cultural heritage asset while performing repair works for the cultural heritage asset (including works for improvement of surroundings of the cultural heritage asset);
7. If he/she has allowed anyone to obtain a contract for repair works or to perform repair works in his/her trade name, or has lent the registration certificate or the registration pocketbook of repair business, in violation of Article 27 (4);
8. If the repair business has borrowed and used the certificate of any repair engineer or technician who has not been employed by the business
9. If he/she awarded a subcontract to anyone for the entire works that he/she contracted to perform;
10. If he/she has awarded subcontracts in violation of Article 29 or 30 of the Framework Act on the Construction Industry for part of works that he/she had contracted to perform;
11. If he/she has failed to perform his/her liability under a warranty for defects under Article 30;
12. If a defect has occurred amounting to not less than ten percent of construction costs during the defect warranty period under Article 30 due to a cause for which the repair business is held liable; and
13. If the repair business has performed any repair works that does not fall within the scope of the type of business registered.

(2) Any repair business against whom any of the following dispositions are made in connection with the requirements for technical ability and qualifications or any other requirements under Article 27 (1) shall not carry on the business under this Act during the period of such disposition:

1. The business suspension under Article 82 (1) or (2) or Article 83 of the Framework Act on the Construction Industry
; and

2. The service suspension under Article 28 (1) of the Certified Architects Act

(3) The head of a central administrative agency or a local government shall, when he/she discovers that a repair business falls under any subparagraph of paragraph (1) while carrying out his/her business affairs related to cultural heritage assets, notify the facts thereof to the Mayor/*Do* governor having jurisdiction over the registered domicile of the repair business.

(4) The Mayor/*Do* governor shall, when he/she revokes any registration or issues an order of business suspension pursuant to paragraph (1), notify the head of the competent *Si/Gun/Gu* (the head of *Gu* refers to the head of an autonomous *Gu*; the same shall apply hereinafter) and the Mayors/*Do* governors of other regions.

(5) Notwithstanding paragraphs (1) and (2), a repair business of which registration is revoked, or whose business is suspended, pursuant to paragraph (1) or against whom a disposition under any subparagraph of paragraph (2) is made may continue activities for performing his/her obligations under contracts already made.

Article 29 (Evaluation of Repair Service Projects and Work Performance for Cultural Heritage Assets)

(1) The Administrator of the Cultural Heritage Administration or the head of a local government who has awarded contracts for a repair service project or repair works for cultural heritage assets (hereinafter referred to as "project head") may conduct evaluation of contracts that meet or exceed the criteria prescribed by Presidential Decree among those for repair service projects or repair works for cultural heritage assets, in order to raise the technical standard of repair business and improve the quality of repair works for cultural heritage assets.

(2) Any project head may designate repair businesses that have demonstrated good performance in repair service projects or repair works as a result of the evaluation under paragraph (1) as good contractors for a period of time prescribed by the project head.

(3) Any project head may, when he/she awards a contract for a repair service project or repair works, treat good contractors preferentially during the period of designation of good contractor.

(4) Any project head may, if necessary to conduct an evaluation under paragraphs (1) and (2), inspect work-sites of repair works for cultural heritage assets and other relevant places or may require a repair business to submit data necessary for the evaluation.

(5) Matters necessary for the criteria, procedure, and method of evaluation under paragraphs (1) through (4), the effective period of the designation of good contractor, and other relevant matters shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

Article 30 (Liability under Warranty for Defects in Repair Works)

(1) Any repair business shall be liable to the project head for any defects that occur during defect warranty period prescribed by Presidential Decree for each type of repair works up to ten years from the date of completion of the repair works concerned.

(2) Notwithstanding paragraph (1), a repair business' liability under warranty for defects shall be

determined by special terms and conditions, if there are such special terms and conditions in the contract made between the repair business and the project head with respect to the repair business' liability under warranty for defects: *Provided*, That a defect warranty period shall be deemed to be two-thirds of the period under paragraph (1), if the period agreed between the parties is less than two-thirds of the period under the afore-said paragraph, while it shall be deemed that one-half of the liability under warranty for defects is discharged, if the parties agree to discharge more than one-half of the liability under warranty for defects more than one-half of the liability under warranty for defects.

Article 31 (Medical Treatment of Animals Designated as Natural Monu- ments)

(1) The Mayor/*Do* governor may, he/she is informed that an animal designated as a natural monument (hereinafter referred to "animal") is in peril, designate a veterinary infirmary to perform transportation for rescue, administration of medicine, surgical operation, fostering, and training for fitness to nature (hereinafter referred to as "medical treatment") for the animal in peril, notwithstanding Article 17. <Amended by Act No. 9116, Jun. 13, 2008>

(2) The Mayor/*Do* governor shall, when he/she designates a veterinary infirmary pursuant to paragraph (1), select it from among the institutions falling under any of the following subparagraphs and having expertise in cultural heritage assets or experience in activities for the protection of natural monuments or in medical treatment for wild animals, and the procedure for the designation, and other necessary matters shall be prescribed by Municipal Ordinance of each local government: <Amended by Act No. 9116, Jun. 13, 2008>

1. Any veterinary hospital established by a veterinarian licence holder under the Veterinarians Act;
2. An institution related to the livestock industry, which belongs to a local government and employs a veterinarian license holder under the Veterinarians Act; and
3. Any managing organization or an organization for the protection of animals, which employs a veterinarian license holder under the Veter- inarians Act.

(3) The Administrator of the Cultural Heritage Administration may, if necessary to take urgent protective measures for an animal in peril or for any other reason, allow an animal infirmary to give medical treatment first without obtaining a permit for the alteration of the current condition and to report the results thereof later.

(4) The State or a local government may pay the expenses incurred in medical treatment, within budget, to the animal infirmary that provide medical treatment to an animal. In such cases, business affairs related to the payment of expenses for medical treatment of animals may be entrusted to an organization related to medical treatment and protection of natural monuments as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, and the procedure for the payment of expenses for medical treatment of animals and other necessary measures shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 9116, Jun. 13, 2008>

(5) The Mayor/*Do* governor may, if a veterinary infirmary falls under any of the following

subparagraphs, cancel the designation thereof: *<Amended by Act No. 9116, Jun. 13, 2008>*

1. If it obtained the designation by deceit or in any other fraudulent manner;
2. If it fails to meet the requirements for the designation under paragraph (2);
3. If it killed or maimed any animal by intention or gross negligence while performing medical treatment;
4. If it failed to report the results of medical treatment in accordance with paragraph (3) or if it submitted a false report;
5. If it submitted a false bill to claim the expenses incurred in medical treatment of animals in accordance with paragraph (4); and
6. If it violated an order issued by the Administrator of the Cultural Heritage Administration or the head of the competent local government.

(6) The Mayor/Do governor shall, when he/she designates an veterinary infirmary or cancels the designation pursuant to paragraph (2), shall report it to the Administrator of the Cultural Heritage Administration. *<Amended by Act No. 9116, Jun. 13, 2008>*

Article 32 (Entrustment of Authority)

(1) The examinations for repair engineers and repair technicians under Articles 18 and 24, the management of the certificates of repair engineers and repair technicians under Articles 20, 21, and 25 and other relevant affairs may be entrusted to a related specialized institution as prescribed by Presidential Decree.

(2) The Administrator of the Cultural Heritage Administration may, if he/she entrusts the examination, the management of qualifications certificates and other relevant affairs to an institution, subsidize part of the expenses incurred therefor within budget.

Article 33 (Preparation and Preservation of Records)

(1) The Administrator of the Cultural Heritage Administration, and the head of each *Si/Gun/Gu*, and the head of each managing organization shall prepare and preserve records concerning the preservation, maintenance, and details of alteration of State-designated cultural heritage assets.

(2) The Administrator of the Cultural Heritage Administration may, if deemed necessary for the preservation and maintenance of State-designated cultural heritage assets, assign any person or a research institute that has expertise in cultural heritage to keep records of State-designated cultural heritage assets.

Article 34 (Matters Subject to Permission)

Any person who intends to perform any of the following activities for a State-designated cultural heritage asset shall obtain a permit from the Administrator of the Cultural Heritage Administration as prescribed by Presidential Decree. The same shall also apply to any change in the permitted matters: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. Capturing or collecting an animal, a plant, or a mineral within an area designated or provisionally designated as a scenic spot or a natural monument or within a protective zone for such animal, a plant, or a mineral or taking such animal, a plant, or a mineral out of such

- area or protective zone;
2. Taking a rubbed copy, a photoprint, or a photograph of a State-designated cultural heritage asset in a manner that affects the preservation of the cultural heritage asset; and
 3. Altering the current state of a State-designated cultural heritage asset (including making a specimen, whether stuffed or treated otherwise, of a natural monument) or an activity specified by Ordinance of the Ministry of Culture, Sports and Tourism as an activity that is likely to affect the preservation of such asset.

Article 35 (Prohibition on Exportation)

(1) No one may export or take abroad any national treasure, any treasure, any natural monument, or any outstanding folklore resource: *Provided*, That the same shall not apply in cases where any person obtains a permit from the Administrator of the Cultural Heritage Administration under the condition that it may be taken outside the country for the purpose of an overseas exhibition of cultural heritage assets or international cultural exchanges, but shall be brought back within two years from the day on which it is taken out of the country.

(2) The Administrator of the Cultural Heritage Administration may, if any person to whom a permit for taking abroad was granted pursuant to the proviso to paragraph (1) files an application for an extension of the period of time for taking abroad, may grant a permit to extend the period of time for taking abroad up to two years, only if the unavoidable cause or event to do so is acceptable.

(3) The Administrator of the Cultural Heritage Administration shall, when he/she intends to grant a permit for taking any cultural heritage asset abroad pursuant to the proviso to paragraph (1), bring the case to the State Council for deliberation.

(4) Any specimen, whether stuffed or treated otherwise, of a natural monument made with a permit under subparagraph 3 of Article 34 may be exported with a permit of the Administrator of the Cultural Heritage Administration, notwithstanding paragraph (1).

Article 36 (Protection and Development of Outstanding Intangible Cultural Heritage Assets)

(1) The State shall protect and develop outstanding intangible cultural heritage assets for succession to and development of the traditional culture.

(2) The Administrator of the Cultural Heritage Administration shall require holders of outstanding intangible cultural heritage assets to conduct education for passing on the skills and artistic talent that they have (hereinafter referred to as "skills and artistic talent") in order to succeed to and preserve outstanding intangible cultural heritage assets: *Provided*, That the same shall not apply in cases where there is any particular reason specified by Presidential Decree.

<Amended by Act No. 9002, Mar. 28, 2008>

(3) The State or a local government may bear the expenses incurred in the education for passing down skills and artistic talent under paragraph (2) within budget, and may allow to use, free of charge, facilities established for educational courses for passing on skills and artistic talent, which are the State-owned or public-owned assets.

(4) The Administrator of the Cultural Heritage Administration may award a scholarship to the

persons who attend educational courses for passing on skills and artistic talent.

(5) The Administrator of the Cultural Heritage Administration may aid honorary holders of outstanding intangible cultural heritage assets with a special aid grant.

(6) Matters necessary for educational courses for passing on skills and artistic talent and the payment of scholarships and special aid grants under paragraphs (2), (4), and (5) shall be prescribed by Presidential Decree.

Article 36-2 (Public Disclosure of Skills and Artistic Talent of Outstanding Intangible Cultural Heritage Assets)

(1) Except where there is any particular reason as specified by Presidential Decree, a holder of an outstanding intangible cultural heritage asset shall disclose skills and artistic talent of outstanding intangible cultural heritage asset concerned to the public at least once a year.

(2) The method of public disclosure of skills and artistic talent of outstanding intangible cultural heritage assets under paragraph (1) shall be prescribed by Presidential Decree.

(3) The State or a local government may subsidize part of the expenses for the public disclosure under paragraph (1) within budget.

[This Article Newly Inserted by Act No. 9002, Mar. 28, 2008]

Article 37 (Administrative Order)

(1) The Administrator of the Cultural Heritage Administration or the head of a local government may, if deemed necessary for the maintenance and protection of State-designated cultural heritage assets (including protective facilities and protective zones therefor; the same shall apply hereafter in this Article), issue an order to take the following measures:

1. Prohibition or restriction on certain activities by the owner, holder, custodian, or managing organization of State-designated cultural heritage assets, in cases where the current status of the maintenance of the State-designated cultural heritage asset is not appropriate for the preservation of cultural heritage assets or it is particularly necessary to do so;
2. Repair, installation of any necessary facility, or removal of any obstacle by the owner, custodian, or managing organization of State-designated cultural heritage assets; and
3. Any necessary measure by the owner, custodian, or managing organization of State-designated cultural heritage assets in addition to those under subparagraphs 1 and 2.

(2) The Administrator of the Cultural Heritage Administration may, if the owner or custodian of a State-designated cultural heritage asset fails to perform an order issued pursuant to paragraph (1) or if it is deemed improper to require the owner or custodian of a State-designated cultural heritage asset to take the measures under subparagraphs of paragraph (1), take measures under subparagraphs of paragraph (1) directly at the State's expense.

(3) The head of the competent local government shall, when he/she issues an order under paragraph (1), report it to the Administrator of the Cultural Heritage Administration.

Article 38 (Matters Subject to Reporting)

The owner, holder, custodian, or managing organization of any State-designated cultural heritage asset (including protective facilities and protective zone therefor; the same shall apply

hereafter in this Article) shall, when any of the following events occurs, report the facts and progress thereof to the Administrator of the Cultural Heritage Administration as prescribed by Presidential Decree: *Provided*, That the owner and custodian shall jointly sign the report in cases under subparagraph 1, while the old and new owners shall jointly sign the report in cases of subparagraph 2: <Amended by Act No. 9116, Jun. 13, 2008>

1. When a custodian is appointed or dismissed;
2. Where there is a change in the owner of the State-designated cultural heritage asset;
3. When there is a change in the name or address of the owner, holder, or custodian;
4. When there is a change in the name, lot number, area, or any other description of the place where the State-designated cultural heritage asset is situated;
5. When the cultural heritage asset is relocated to other place for safe-keeping;
6. When the State-designated cultural heritage asset, in whole or in part, has been destroyed, washed away, stolen, or damaged;
7. When the State-designated cultural heritage asset taken abroad with a permit under subparagraph 1 of Article 34 or the proviso to Article 35 (1) has been brought back;
8. When the current state of the cultural heritage asset is altered with a permit (including a revised permit) under subparagraph 3 of Article 34 or when any other activity to the cultural heritage asset is begun or completed; and
9. If there is a specimen, whether stuffed or treated otherwise, of a natural monument that has been owned since before the species of the animal or plant was designated as a natural monument.

Article 39 (Subsidies)

(1) The State may subsidize all or part of the following expenses:

1. Expenses incurred in the maintenance of cultural heritage assets by a managing organization under Article 16 (1);
2. Expenses incurred in the measures taken pursuant to subparagraphs of Article 37 (1);
3. Expenses incurred in the maintenance, protection, repair of State-designated cultural heritage assets, or preparation of records therefor in addition to those under subparagraphs 1 and 2; and
4. Expenses incurred in the protection and development of outstanding intangible cultural heritage assets.

(2) The Administrator of the Cultural Heritage Administration may, when he/she grants a subsidy pursuant to paragraph (1), supervise repair works or any other works for the cultural heritage asset concerned.

(3) The subsidies under paragraph (1) 2 through 4 shall be granted through the Mayor/Do governor, and shall be managed and spent in compliance with the instruction of the Mayor/Do governor: *Provided*, That the same shall not apply in cases where the Administrator of the Cultural Heritage Administration deems it necessary to do otherwise.

Article 40 (Compensation for Losses)

The State shall be liable for losses incurred to any of the following persons:

1. Any person who has sustained losses as a consequence of his/her performance of an order issued pursuant to any provision of Article 37 (1) 1 through 3; and
2. Any person who has sustained losses as a consequence of the measures under Article 37 (2).

Article 41 (Expenses Borne by Local Governments)

Any local government may bear or subsidize the expenses incurred in the maintenance, protection, or repair of State-designated cultural heritage assets situated within its jurisdiction but not owned or managed by the local government.

Article 42 (Mutatis Mutandis Application)

Articles 34, 35, and 37 (1) 1 and 3, subparagraphs 2 through 4 and 6 through 8 of Article 38, and Article 40 shall apply *mutatis mutandis* to the maintenance and protection of provisionally designated cultural heritage assets.

SECTION 3 Making Available to Public

Article 43 (Making State-designated Cultural Heritage Available to Public)

(1) State-designated cultural heritage assets shall be made available to the public, unless there is any particular reason, except where making certain cultural heritage assets available to the public is restricted pursuant to paragraph (2). *<Amended by Act No. 9002, Mar. 28, 2008>*

(2) The Administrator of the Cultural Heritage Administration may, if necessary to preserve a certain State-designated cultural heritage asset and keep it from being damaged, place a restriction on making the cultural heritage asset available to the public, in whole or in part. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The Administrator of the Cultural Heritage Administration shall, when he/she places a restriction on making a certain State-designated cultural heritage asset available to the public pursuant to paragraph (2), publicly notify the location of the area where the cultural heritage asset is situated, the period of time during which making it available to the public is restricted, the area subject to the restriction, and other relevant matters as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, and shall notify the competent Mayor/Do governor and the head of *Si/Gun/Gu* thereof. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) The Administrator of the Cultural Heritage Administration shall, once the grounds for a restriction on making available to the public under paragraph (2) terminates, lift such restriction. In such cases, the Administrator of the Cultural Heritage Administration shall publicly notify the lifting of the restriction as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, and shall notify the competent Mayor/Do governor and the head of *Si/Gun/Gu* thereof. *<Amended by Act No. 8852, Feb. 29, 2008>*

(5) Any person who desires to have access to an area which is restricted from being made available to public pursuant to paragraphs (2) and (3) shall file an application, clearly stating the reasons, with the Administrator of the Cultural Heritage Administration for permission.

Article 44 (Collection of Admission Fees)

(1) The owner, holder, or managing organization of any State-designated cultural heritage asset, who makes the cultural heritage asset open to the public, may collect admission fees from spectators.

(2) Admission fees under paragraph (1) shall be determined by the owner, holder, or managing organization of the State-designated cultural heritage asset concerned.

SECTION 4 Inspections

Article 45 (Periodic Inspections)

(1) The Administrator of the Cultural Heritage Administration shall conduct inspections on the current state and maintenance of State-designated cultural heritage assets, the actual conditions of passing on cultural heritage, and other conditions of environmental conservation on a regular basis. *<Amended by Act No. 9002, Mar. 28, 2008>*

(2) The Administrator of the Cultural Heritage Administration may, if deemed necessary to conduct a more intensive inspection after a periodic inspection under paragraph (1), assign public officials under his/her control to reinspect a certain State-designated cultural heritage asset.

(3) Whenever an inspection is to be conducted pursuant to paragraphs (1) and (2), prior notice of such inspection shall be given to the owner, holder, or managing organization (hereinafter referred to as "owner") of the cultural heritage asset concerned.

(4) Public officials who conduct an inspection pursuant to paragraphs (1) and (2) may demand the owner to cooperate in the inspection by making the cultural heritage asset concerned available, submitting data of the current status, and allowing access to the place where the cultural heritage asset is situated within the extent necessary for the inspection, and may also take a measurement, excavate the ground, remove obstacles, and perform other activities as may be necessary for the inspection to the extent that such activities do not damage the current state of the cultural heritage asset: *Provided*, That consent of the owner is required in cases where such activities are conducted before sunrise or after sunset.

(5) Public officials who conduct an inspection pursuant to paragraph (4) shall carry an identification indicating their authority and present it to people concerned.

(6) The State shall be liable for the damages sustained by any person due to activities of an inspection under paragraph (4).

(7) The Administrator of the Cultural Heritage Administration may delegate his/her authority to conduct the periodic inspections and re-inspections under paragraphs (1) and (2), in whole or in part, to local governments or may entrust such authority to a specialized institution or organization, as prescribed by Presidential Decree.

(8) The Administrator of the Cultural Heritage Administration shall reflect the results of periodic inspections and re-inspections under paragraphs (1) and (2) in the measures for the maintenance of State-designated cultural heritage assets: *<Newly Inserted by Act No. 9002, Mar. 28, 2008>*

1. Designation of State-designated cultural heritage assets and cancellation of such designation;

2. Designation of protective facilities or protective zones for State-designated cultural heritage assets and cancellation of such designation;
3. Recognition of holders of outstanding intangible cultural heritage assets and cancellation of such recognition;
4. Repair and restoration of State-designated cultural heritage assets;
5. Restriction and prohibition on activities for preservation of State- designated cultural heritage assets or installation, removal, or relocation of facilities; and
6. Other matters necessary for the maintenance of State-designated cultural heritage assets.

Article 46 (Ex Officio Investigations)

(1) The Administrator of the Cultural Heritage Administration may, if deemed necessary, assign public officials under his control to inspect the current status, maintenance, and repair works of State-designated cultural heritage assets and other conditions of environmental preservation.

(2) Where an *ex officio* investigation is conducted pursuant to paragraph (1), Article 45 (3) through (6) shall apply *mutatis mutandis* to the notice of the inspection, the extent of the demand for cooperation in the inspection, the scope of activities necessary for the inspection, the duty to carry and present identification for the inspection, compensation for losses incurred by activities of the inspection, and other relevant matters.

CHAPTER III REGISTERED CULTURAL HERITAGE ASSETS

Article 47 (Registration of Cultural Heritage Assets)

(1) The Administrator of the Cultural Heritage Administration may register certain cultural heritage assets, for which measures for preservation and utilization are particularly required, among those other than the designated cultural heritage assets under Article 2 (2), subject to deliberation by the Cultural Heritage Committee.

(2) Matters necessary for the criteria, procedure, and descriptions of the registration of cultural heritage assets registered pursuant to paragraph (1) (hereinafter referred to as "registered cultural heritage assets") and other relevant matters shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

Article 48 (Maintenance of Registered Cultural Heritage Assets)

(1) Any person who is responsible for the maintenance of a registered cultural heritage asset, including the owner and custodian of the registered cultural heritage asset, shall make efforts to preserve the original form of the registered cultural heritage asset.

(2) The Administrator of the Cultural Heritage Administration may, if it is not clearly known who the owner of a registered cultural heritage asset is or if the owner or custodian is unable to manage the registered cultural heritage asset, designate any person responsible for the maintenance of the registered cultural heritage asset among the competent local government and legal entities or organizations suitable for the maintenance of the registered cultural heritage asset to assign it to manage the cultural heritage asset.

(3) The owner or custodian of a registered cultural heritage asset or any person designated pursuant to paragraph (2) (hereinafter referred to "managing organization of a cultural heritage asset") may request the Administrator of the Cultural Heritage Administration to provide technical guidance in connection with the management and repair of the registered cultural heritage asset as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

Article 49 (Events Subject to Reporting)

(1) The owner or custodian of a registered cultural heritage asset or a managing organization of a registered cultural heritage asset shall, when any of the following events occurs in relation to the registered cultural heritage asset, report the facts and developments thereof to the head of the competent *Si/Gun/Gu* within 15 days from the day on which such event occurs, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9116, June 13, 2008>

1. If the custodian of the registered cultural heritage asset is appointed or dismissed;
2. If the ownership of the registered cultural heritage asset is transferred to another person, or there is a change in the address of the owner or custodian; and
3. If the registered cultural heritage asset, in whole or in part, is destroyed, washed away, stolen, or damaged.

(2) The head of *Si/Gun/Gu* shall, upon receiving a report under paragraph (1), report it to the Administrator of the Cultural Heritage Administration via the Mayor/*Do* governor.

Article 50 (Alteration of Current State of Registered Cultural Heritage Assets)

(1) Any person who intends to perform any activities specified by Ordinance of the Ministry of Culture, Sports and Tourism as altering the original form or current state of a registered cultural heritage asset shall report it to the head of the competent *Si/Gun/Gu* no later than 30 days before he/she intends to alter it: *Provided*, That the alteration of a registered cultural heritage asset falling under any of the following subparagraphs shall be done with a permit of the Administrator of the Cultural Heritage Administration as prescribed by Presidential Decree. The same shall not apply to revisions of permitted matters. <Amended by Act No. 8852, Feb. 29, 2008>

1. Any registered cultural heritage asset to which the special exception to the building-to-land ratio or the floor space index of a building under Article is applicable; and
2. Any registered cultural heritage asset for which the State granted a subsidy pursuant to Article 53 (2).

(2) The head of *Si/Gun/Gu* shall, upon receiving a report under the main body of paragraph (1), report it to the Administrator of the Cultural Heritage Administration via the Mayor/*Do* governor.

(3) The Administrator of the Cultural Heritage Administration may, if necessary for the protection of registered cultural heritage assets, provide guidance, advice, or recommendation with respect to the alteration of the current state of a registered cultural heritage asset reported in accordance with paragraph (1).

Article 51 (Special Exception to Building-to-Land Ratio and Floor Space Index of Registered

Cultural Heritage Assets)

Notwithstanding Articles 77 through 79 of the National Land Planning and Utilization Act , the building-to-land ratio and the floor space index applicable to a building, which is a registered cultural heritage asset, within a certain building site may be alleviated in compliance with the guidelines prescribed by Presidential Decree by upto 150 percent of the building-to- land ratio and the floor space index applicable to the specific-use zone concerned.

Article 52 (Revocation of Registration)

(1) The Administrator of the Cultural Heritage Administration may, if he/she does not need to preserve and utilize a certain registered cultural heritage asset any longer or if there is any particular reason, revoke the registration, subject to deliberation by the Cultural Heritage Committee.

(2) The registration becomes invalid when a registered cultural heritage asset is designated as a designated cultural heritage asset.

Article 53 (Provisions Applicable Mutatis Mutandis)

(1) Articles 10 through 12 shall apply *mutatis mutandis* to the public notification and personal notice of the registration of registered cultural heritage assets and the revocation of the registration, the issuance of the registration certificates, and the time when the registration or the revocation of such registration becomes effective. In such cases, the term "State- designated cultural heritage assets" shall be construed as "registered cultural heritage assets," the term "designation" as "registration," and the term "letter of designation" as "registration certificate."

(2) As to management by managing organizations of registered cultural heritage assets, the preparation and preservation of records on registered cultural heritage assets, grants of subsidies by the State, *ex officio* inspections of the current state of registered cultural heritage assets, succession to rights and obligations at the time when the ownership is conveyed to another person, Articles 16 (2) through (6), 33, 39 (1) 1 and 3, 39 (2) and (3), 41, 46, and 76 shall apply *mutatis mutandis*. In such cases, the term "State-designated cultural heritage assets" shall be construed as "registered cultural heritage assets," and the term "managing organization" as "managing organization of registered cultural heritage assets."

CHAPTER IV BURIED CULTURAL HERITAGE ASSETS

Article 54 (Reporting on Discovery)

If any person discovers any cultural heritage asset located under a parcel of land or seabed, or under a structure or such (hereinafter referred to as "buried cultural heritage asset"), the discoverer or the owner, possessor, or manager of the land, seabed, structure, or such shall preserve the current state of the cultural heritage asset unaltered and report the discovery to the Administrator of the Cultural Heritage Administration as prescribed by Presidential Decree.

Article 55 (Restriction on Excavation)

(1) No one may excavate any ancient tomb, shell mound, palaeontological resource, natural cave,

or any other piece of land or seabed that is believed to contain buried cultural heritage assets: *Provided*, That the same shall not apply in any of the following cases if any person obtains a permit from the Administrator of the Cultural Heritage Administration as prescribed by Presidential Decree:

1. If the excavation is for research;
2. If it is necessary to excavate it for a construction project (including a civil engineering project, works for a change in the form and quality of land, and other construction works specified by Presidential Decree; the same shall apply hereinafter); and
3. If it is found while performing a construction project that there are buried cultural heritage assets contained in the land or seabed and thus, necessary to excavate the cultural heritage assets.

(2) Any person who desires to obtain a permit for excavation of buried cultural heritage assets in accordance with the proviso to paragraph (1) shall prepare a permit application and required documents, describing the institution that will perform the excavation, the representative of the institution, the head of the inspection team, and the responsible inspector (hereinafter referred to as "excavating institution and its auxiliaries"), and file them with the competent Mayor/Do governor and the Administrator of the Cultural Heritage Administration via the head of *Si/Gun/Gu*."

(3) The standards that each excavating institution under paragraph (2) shall comply with shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) If an application for permit under paragraph (1) is filed, but any of the following persons are involved in the excavating institution and its auxiliaries, the Administrator of the Cultural Heritage Administration shall not grant a permit under the proviso to paragraph (1):

1. Any person who was the excavating institution, the representative of the institution, the head of the inspection team, or the responsible inspector directly involved in any of the following activities and in whose case the period of time prescribed by Presidential Decree within the limit of two years from the day on which such activities were committed has not yet elapsed;
 - (a) Damaging an excavation site by intention or grossly negligence in violation of the permit for the excavation under paragraph (5) or an instruction related to such permit;
 - (b) Continuing excavation in disregard of an order of the Administrator of the Cultural Heritage Administration to suspend or discontinue the excavation or the revocation of such permit; and
 - (c) Submitting an excavation inspection report after the deadline the submission under Article 56; and
2. Any person who was an institution once excluded from the specialized institutions related to cultural heritage assets and publicly so notified by the Administrator of the Cultural Heritage Administration pursuant to Article 91 (3) because it conducted a surface survey under Article 91 (1) by deceit or in a fraudulent manner or who was the representative of such institution or the head of the inspection team or the responsible inspector directly implicated in exclusion

from the specialized institutions related to cultural heritage assets and in whose case the period of time prescribed by Presidential Decree, within the limit of two years, has not yet elapsed.

(5) The Administrator of the Cultural Heritage Administration may, when he/she grants a permit pursuant to the proviso to paragraph (1), determine the details of the permit for excavation or instruct the required matters, and may also issue an order to suspend or discontinue the excavation or may revoke such permit.

(6) The Administrator of the Cultural Heritage Administration may, upon completion of excavation by any person to whom a permit under the proviso to paragraph (1) was granted, instruct the person to take necessary measures for the preservation and management of the excavated cultural heritage assets and other relevant matters.

(7) In cases falling under paragraph (1) 2 or 3, the Administrator of the Cultural Heritage Administration may, if deemed necessary for the preservation of cultural heritage assets, carry out the excavation directly or designate any person to carry out the excavation. In such cases, the expenses incurred in the excavation shall be borne by the contractor of the project: *Provided*, That the State or the competent local government may bear the expenses incurred in the excavation for a construction project specified by Presidential Decree within budget.

(8) Paragraphs (1) through (6) shall apply *mutatis mutandis* to alteration of the current state of buried cultural heritage assets that have been excavated (excluding cultural heritage assets categorized as chattels). In such cases, the term "excavation" shall be construed as "alteration of the current state."

Article 56 (Excavation Inspection Reports)

(1) Any person to whom a permit was granted pursuant to the proviso to Article 55 (1) (referring to any institution that carries out the excavation, if the person to whom a permit has been granted is not the institution that carries out such excavation) shall submit an excavation inspection report to the Administrator of the Cultural Heritage Administration within two years from the day on which the excavation is completed.

(2) The Administrator of the Cultural Heritage Administration may, upon receiving an application for extension of the deadline for the submission of the excavation inspection report under paragraph (1), extend the deadline by up to two years, only if it is deemed that there is a justifiable reason.

Article 57 (Excavation by State)

(1) The Administrator of the Cultural Heritage Administration may, if deemed necessary, excavate the land or seabed that is believed to contain buried cultural heritage assets.

(2) In cases of paragraph (1), the Administrator of the Cultural Heritage Administration shall issue notice of excavation to the owner or possessor of the land, stating the purpose and method of the excavation, time to commence the excavation, and other necessary matters, as prescribed by Presidential Decree.

(3) The owner or manager of the land or the possessor of the land or sea-waters shall not reject,

interfere with, or avoid the excavation under paragraph (1).

(4) Articles 40 and 46 shall apply *mutatis mutandis* to paragraph (1).

Article 58 (Guidelines for Costs for Service Projects of Exploring Buried Cultural Heritage Assets)

The Administrator of the Cultural Heritage Administration may determine matters necessary for the guidelines on costs for the service projects exploring buried cultural heritage assets and the computation method thereof, subject to prior consultation with the Minister of Strategy and Finance. <Amended by Act No. 8852, Feb. 29, 2008>

Article 59 (Disposition Method)

(1) The Administrator of the Cultural Heritage Administration shall, if a report on discovery under Article 54 was filed but it is later found who the owner of the cultural heritage asset is, require the discoverer to return it to the owner, but shall notify the chief of the competent police station or the Governor of *Jeju* Special Self-Governing Province, who has an autonomous police agency installed, of the discovery, if it is not known who the owner is, notwithstanding Article 1 (1) of the Lost Articles Act, which shall be applicable *mutatis mutandis* to this case pursuant to Article 13 of the aforesaid Act.

(2) The chief of the competent police station or the Governor of *Jeju* Special Self-Governing Province, who has an autonomous police agency established, shall, upon receiving a notice under paragraph (1), publicly notify the discovery of the cultural heritage asset without delay pursuant to Article 1 (2) of the Lost Articles Act, which shall be applicable *mutatis mutandis* to this case pursuant to Article 13 of the aforesaid Act.

(3) The Administrator of the Cultural Heritage Administration shall, in the event of a cultural heritage asset is discovered while carrying out any excavation under Articles 55 and 57 or the surface survey under Article 91 (1), publicly notify the excavation or discovery of the cultural heritage asset as prescribed by Presidential Decree, notwithstanding Article 1 (1) of the Lost Articles Act, which shall be applicable *mutatis mutandis* to this case pursuant to Article 13 (1) of the aforesaid Act. In such cases, the cultural heritage asset shall be returned to any person who presents clear evidence proving that he/she is the owner of the cultural heritage asset within 30 days after the public notification and it is confirmed that he/she is the rightful owner thereof.

Article 60 (Disposition of Buried Cultural Heritage Assets by Chief of Police Station)

(1) If a buried or lost article submitted to a chief or a police station or the Governor of *Jeju* Special Self-Governing Province, who has an autonomous police agency established, in accordance with the Lost Articles Act is believed to be a cultural heritage asset, the chief or the police station or the Governor of *Jeju* Special Self-Governing Province, who has an autonomous police agency installed, shall publicly notify the discovery of the article pursuant to the Lost Articles Act and shall report to the Administrator of the Cultural Heritage Administration the fact that a buried or lost article believed to be a cultural heritage asset has been submitted, and shall forward it to the Administrator of the Cultural Heritage Administration within 20 days from the date on which it was submitted, unless it shall be returned to the owner.

(2) The Administrator of the Cultural Heritage Administration shall evaluate the article forwarded pursuant to paragraph (1), and shall dispose of it in accordance with the following subparagraphs:

1. If the article is evaluated as a cultural heritage asset but it is not known who the owner is, he/she shall notify the chief or the police station or the Governor of *Jeju* Special Self-Governing Province, who has an autonomous police agency established, of the fact that it is a cultural heritage asset, while he/she shall return it to the chief or the police station or the Governor of *Jeju* Special Self-Governing Province, who has an autonomous police agency installed, along with a document notifying that the article is a cultural heritage asset, if it is found who the owner is; and
2. If the article is not a cultural heritage asset, he/she shall return it to the chief or the police station or the Governor of *Jeju* Special Self-Governing Province, who has an autonomous police agency established, along with a document notifying that the article is not a cultural heritage asset.

Article 61 (Escheatment to State and Compensation)

(1) If any person appears, who asserts that he/she is the owner of a cultural heritage asset within 90 days after the public notification under Article 59 (2) or (3) or Article 60 (1), the Administrator of the Cultural Heritage Administration shall return it to the rightful owner in accordance with the procedure for determining ownership as prescribed by Presidential Decree, while the cultural heritage asset worthy of preservation by the State itself shall escheat to the State, notwithstanding Articles 253 and 254 of the Civil Act

, and matters necessary for the scope of cultural heritage assets subject to their escheatment to the State, the institution responsible for safekeeping them, and the method of disposing of excavated relics not worthy of preservation and other relevant matters shall be prescribed by as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

(2) In cases of paragraph (1), the Administrator of the Cultural Heritage Administration shall pay compensation to the discoverer or finder of the cultural heritage asset and the owner of the land, structure, or such from which it was discovered pursuant to Article 13 of the Lost Articles Act. In such cases, if the discoverer or finder is not the owner of the land, structure, or such, the compensation shall be divided equally between them: *Provided*, That if there are any expenses incurred in the discovery or finding, a different amount of the compensation may be paid to each party as prescribed by Presidential Decree.

(3) The Administrator of the Cultural Heritage Administration may, if it is found that a cultural heritage asset that has escheated to the State is not worthy of preservation by the State itself, convey it to the discoverer or finder and the owner of the land, structure, or such from which it was discovered. In such cases, the compensation under paragraph (2) shall not be paid.

(4) Any buried cultural heritage asset reported as discovered at a place (including an area excavated according to the report on discovery or the area connected to such excavated area by remains) in accordance with Article 54 and then excavated pursuant to the proviso to Article 55 (1), the first sentence of Article 55 (7), or Article 57 (1) shall not be deemed to be a discovery

entitled to the payment of the compensation under paragraph (2).

(5) The Administrator of the Cultural Heritage Administration may, when he/she pays the compensation pursuant to paragraph (2), determine the amount of the compensation for the cultural heritage asset, subject to deliberation by the Cultural Heritage Committee, while the procedure for the payment of the compensation and other matters necessary for the payment of the compensation shall be prescribed by Presidential Decree.

(6) The Administrator of the Cultural Heritage Administration may issue instructions to the discoverer or finder of a cultural heritage asset or the owner of the land, structure, or such from which it was discovered concerning the matters necessary for carrying out escheatment to the State properly and promptly.

Article 62 (Protection of Buried Cultural Heritage Assets)

(1) The State, a local government, or a legal entity specified by Presidential Decree shall, when it intends to carry out a development project specified by Presidential Decree in an area determined as containing buried cultural heritage assets as a result of a surface survey conducted a specialized institution related to cultural heritage under Article 91 (2), consult with the Administrator of the Cultural Heritage Administration in advance.

(2) The Administrator of the Cultural Heritage Administration shall, if deemed necessary to protect buried cultural heritage assets, order any person who intends to carry out a development project pursuant to paragraph (1) to take necessary measures in carrying out such project.

(3) The head of a local government shall, when he/she grants an authorization, a permit, or such for a construction project that does not fall under any category of the development projects under paragraph (1) in an area considered as containing buried cultural heritage assets, examine, in advance, whether buried cultural heritage assets are contained there and a scheme for protecting the cultural heritage assets. In such cases, he/she may deny the authorization, permit, or such for the construction project, if deemed necessary to protect the cultural heritage assets and surrounding landscape.

Article 63 (Preparation of Records on Buried Cultural Heritage Assets)

The State and local governments shall make efforts to prepare and keep records of buried cultural heritage assets that have been identified, and develop appropriate schemes to protect the area in which such cultural heritage assets are contained.

Article 64 (Rearing of and Support to Institutions Specializing in Survey of Buried Cultural Heritage Assets)

The State and local governments shall fully rear and support the establishment of institutions specializing in the survey of buried cultural assets to survey, excavate, and preserve buried cultural heritage assets.

Article 65 (Mutatis Mutandis Application of Lost Articles Act)

Except as otherwise provided for specifically by this Act, Article 13 of the Lost Articles Act shall apply *mutatis mutandis* to buried cultural heritage assets.

CHAPTER V SPECIAL PROVISIONS CONCERNING STATE-OWNED CULTURAL HERITAGE ASSETS

Article 66 (Authorities for Management and Overall Control)

(1) Notwithstanding Article 7 of the Commodity Management Act, the Administrator of the Cultural Heritage Administration shall have authority to comprehensively manage and control cultural heritage assets owned by the State (hereinafter referred to as "State-owned cultural heritage assets"): *Provided*, That in cases where a certain State-owned cultural heritage asset is an administrative asset managed by the head of any central government agency (referring to the head of a central administrative agency under the State Finance Act; the same shall apply hereinafter) other than the Administrator of the Cultural Heritage Administration or if it is particularly necessary for the head of any central government agency other than the Administrator of the Cultural Heritage Administration to manage such cultural heritage asset, the Administrator of the Cultural Heritage Administration shall designate the managing authority, subject to prior consultation with the head of the competent agency and the Minister of Strategy and Finance.
<Amended by Act No. 8852, Feb. 29, 2008>

(2) The Administrator of the Cultural Heritage Administration shall, when he/she designates a managing authority pursuant to the proviso to paragraph (1), hear the opinion of the Cultural Heritage Committee.

(3) The Administrator of the Cultural Heritage Administration may delegate his/her authority over the management of State-owned cultural heritage assets to local governments or entrust the management of State-owned cultural heritage assets to a non-profit legal entity or a non-profit organization that is not a legal entity. In such cases, the profits earned from the management of State-owned cultural heritage assets shall be deemed to be the revenue of the person to whom the management is delegated or entrusted.

Article 67 (Free Administrative Exchanges between Accounts)

The Administrator of the Cultural Heritage Administration may receive any State-owned cultural heritage asset for management from an account of another managing authority through an administrative exchange without consideration, notwithstanding Article 23 of the State Properties Act

Article 68 (Special Exception to Procedure and Method)

(1) The Administrator of the Cultural Heritage Administration shall, when he/she designates or provisionally designates a State-owned cultural asset under the control of a managing authority separately designated or cancel the designation or provisional designation pursuant to the proviso to Article 66 (1), shall deliver to the managing authority of the cultural heritage asset the notice that he/she shall otherwise give to the owner or possessor of the cultural heritage asset pursuant to this Act.

(2) In cases where Article 37, 38, 44, or 46 shall apply to any State-owned cultural heritage asset under the control of a managing authority separately designated pursuant to the proviso to Article

66 (1), the term "owner of a cultural heritage asset" refers to the managing authority of the cultural heritage asset.

Article 69 (Restriction on Disposition)

Any managing authority under the proviso to Article 66 (1) shall, when it intends to perform any activity under subparagraphs of Article 34 for a State-designated or provisionally designated cultural heritage asset under its control, obtain consent from the Administrator of the Cultural Heritage Administration in advance.

Article 70 (Prohibition on Transfer or Establishment of Private Rights)

No State-owned cultural heritage asset (including its building site) may be transferred to any other person, nor may any private right be created thereon, except as otherwise provided for specifically by this Act: *Provided*, That it may be permitted to use it under certain terms and conditions, only if it is determined that this does not create problems in managing and protecting the cultural heritage asset and it is required for any public or official purpose or for public interest. <Amended by Act No. 9116, Jun. 13, 2008>

CHAPTER V CITY/DO-DESIGNATED CULTURAL HERITAGE ASSETS

Article 71 (Designation of City/Do-Designated Cultural Heritage Assets)

(1) The Mayor/*Do* governor may designate, as City/*Do*-designated cultural heritage assets, cultural heritage assets deemed worthy of preservation among the cultural heritage assets within his/her jurisdiction, which have not been designated as State-designated cultural heritage assets: *Provided*, That outstanding intangible cultural heritage assets may be designated as the City/*Do*-designated cultural heritage assets, subject to prior consultation with the Administrator of the Cultural Heritage Administration, and persons recognized as holders of such intangible cultural heritage asset shall be chosen from among the persons who are not holders of outstanding intangible cultural heritage asset.

(2) The Mayor/*Do* governor may designate, as cultural heritage resources, cultural heritage assets not designated pursuant to paragraph (1) but deemed valuable for preservation of local culture.

(3) The Administrator of the Cultural Heritage Administration may recommend the Mayor/*Do* governor to designate, as the City/*Do*-designated cultural heritage assets or cultural heritage resources (including protective facilities and protective zones therefor; the same shall apply hereinafter), and preserve the cultural heritage assets considered worthy, subject to deliberation by the Cultural Heritage Committee.

(4) The City/*Do*-designated cultural heritage assets or the cultural heritage resources designated pursuant to paragraphs (1) through (3) shall include the name of the Special Metropolitan City, a Metropolitan City or *Do*, or the Special Self-Governing Province before the word "designated" in their names to indicate that they have been designated by the Special Metropolitan City, the Metropolitan City or *Do*, or the Special Self- Governing Province

(5) The procedure for designation of the City/*Do*-designated cultural heritage assets or the cultural

heritage resources and cancellation of the designation, the matters necessary for the management, protection, development, and making available to the public, and other relevant matters shall be prescribed by Municipal Ordinance of each local government concerned.

(6) The Administrator of the Cultural Heritage Administration, the *Do* governor appointed pursuant to Article 5 of the Act on Special Measures for Five North Korean Doses, or the chairperson of the Committee on Five North Korean Doses established pursuant to Article 7 of the aforesaid Act may, if there are cultural heritage assets worthy of preservation among intangible cultural heritage assets passed on in North Korean regions, recommend the Mayor/*Do* governor having jurisdiction over the area in which such cultural heritage assets are currently passed down to designate them as the City/*Do*-designated cultural heritage assets.

Article 72 (Establishment of City/*Do* Cultural Heritage Committee)

(1) Each City/*Do* shall have the Cultural Heritage Committee (hereinafter referred to as the "City/*Do* Cultural Heritage Committee") established in order to conduct surveys and deliberate on matters concerning the preservation, management, and utilization of cultural heritage assets within the jurisdiction of the Mayor/*Do* governor.

(2) Matters concerning the organization and operation of the City/*Do* Cultural Heritage Committee and other relevant matters shall be prescribed by Municipal Ordinance, but the following matters shall be included therein:

1. Matters concerning surveys and deliberation on the preservation, management, and utilization of cultural heritage assets;
2. Matters concerning the commissioning and dismissal of committee members;
3. Matters concerning the installation and operation of subcommittees; and
4. Matters concerning the commissioning and dismissal of expert committee members.

(3) The Mayor/*Do* governor shall, when he/she intends to request the Administrator of the Cultural Heritage Administration to designate any cultural heritage asset as a State-designated cultural heritage asset (including protective facilities and protective zone therefor) within his/her jurisdiction or to cancel such designation, bring the case to the City/*Do* Cultural Heritage Committee for prior deliberation.

Article 73 (Liability for Expenses)

(1) If a City/*Do*-designated cultural heritage asset or cultural heritage resource is State-owned or public asset, expenses incurred in the preservation thereof shall be borne by the State or the local government concerned.

(2) The State or a local government may subsidize all or part of the expenses incurred in the preservation of City/*Do*-designated cultural heritage assets or cultural heritage resources which are not State-owned or public assets, and the protection and fostering of intangible cultural heritage assets.

Article 74 (Reporting)

(1) The Mayor/*Do* governor shall, when any of the following events occur, report such event to the Administrator of the Cultural Heritage Administration as prescribed by Presidential Decree:

<Amended by Act No. 9116, Jun. 13, 2008>

1. If he/she designates any cultural heritage asset or cultural heritage resource as a City/Do-designated cultural heritage asset or cultural heritage resource, or cancels such designation;
 2. If he/she changes the location or the safekeeping place of a City/Do-designated cultural heritage asset or cultural heritage resource;
 3. If a City/Do-designated cultural heritage asset or cultural heritage resource has been, completely or partially, destroyed, washed away, stolen, or damaged; and
 4. If he/she has repaired a City/Do-designated cultural heritage asset.
- (2) The Administrator of the Cultural Heritage Administration may, if an activity under paragraph (1) 1 or 2 is deemed improper, order the relevant person to take corrective or necessary measures.

Article 75 (Provisions Applicable Mutatis Mutandis)

- (1) Articles 17 (1) and (4) and Article 35 (1) and (2) shall apply *mutatis mutandis* to City/Do-designated cultural heritage assets and cultural heritage resources.
- (2) Articles 9, 13 (1) and (4), 14 through 16, 33, 34, 36 (3), 37, 38, and 43 through 46 shall apply *mutatis mutandis* to City/Do-designated cultural heritage assets and cultural heritage resources. In such cases, the term "Administrator of the Cultural Heritage Administration" shall be construed as "Mayor/Do governor," the term "Presidential Decree" as "Municipal Ordinance of the competent City/Do," and the term "State" as a "local government."

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 76 (Succession to Rights and Duties)

- (1) When the ownership of a State-designated cultural heritage asset (including protective facilities, protective zone, and provisionally designated cultural heritage assets) is transferred to another person, the new owner shall succeed to the rights and obligations of the preceding owner under this Act or an order, instruction or any other disposition issued or made by the Administrator of Cultural Heritage Administration pursuant to this Act.
- (2) Paragraph (1) shall apply *mutatis mutandis* to the managing organization and the owner, in cases where there is a managing organization has been designated pursuant to Article 16 or such designation is cancelled: *Provided*, That the same shall not apply to the rights and obligations exclusive to the owner.

Article 77 (Permission for Sale and other Business Activities)

- (1) Any person who intends to engage in a business of dealing in or exchanging tangible cultural heritage assets or tangible cultural heritage resources (including any person who engages in a business of commissioned dealing or exchanges), which are categorized into chattels, shall obtain a permit from the head of *Si/Gun/Gu* as prescribed by Presidential Decree.
- (2) Any person who holds a permit under paragraph (1) (hereinafter referred to as "cultural heritage dealer") shall report the current status of preservation of cultural heritage assets and the actual state of dealings or exchanges to the head of *Si/Gun/Gu* as prescribed by Presidential

Decree.

(3) The head of *Si/Gun/Gu* shall, upon receiving a report under paragraph (2), shall submit a report on the reported matters to the Administrator of the Cultural Heritage Administration on a regular basis as prescribed by Presidential Decree.

Article 78 (Qualifications)

(1) Any person who desires to obtain a permit for a cultural heritage dealing business in accordance with Article 77 (1) shall fall under any of the following subparagraphs:

1. Any person who has worked for the State, a local government, a museum or an art gallery in charge of cultural heritage assets for two years or longer;
2. Any person who has majored in an academic field, such as history, archaeology, anthropology, art history, folklore, or management of cultural heritage; and
3. Any person who has been employed by a cultural heritage dealer and who has dealt with cultural heritage assets for three year or longer.

(2) Necessary matters concerning the scope of museums and art galleries and majors under paragraph (1) and other relevant matters shall be prescribed by as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

Article 79 (Disqualifications)

Any person falling under any of the following subparagraphs shall not be qualified as a cultural heritage dealer:

1. Any person declared incompetent or quasi-incompetent;
2. Any person in whose case three years have not passed since a sentence of imprisonment without prison labor or any heavier punishment imposed upon him/her was completely executed or discharged; and
3. Any person in whose case three years have not passed since his/her permit was cancelled pursuant to Article 82.

Article 80 (Dealers' Obligations)

Each cultural heritage dealer shall prepare account books for dealings, exchanges, and other similar transactions as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism to keep records of details of transactions, and shall photograph and attach the photographs of actual objects thereto so that the cultural heritage assets concerned can be verified. <Amended by Act No. 8852, Feb. 29, 2008>

Article 81 (Duty to Report Discontinuance of Business)

Any person who holds a permit under Article 77 (1) shall, if he/she discontinues the cultural heritage dealing business, submit a report on the discontinuance of business to the head of *Si/Gun/Gu* within three months as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

Article 82 (Revocation of Permits)

(1) The head of *Si/Gun/Gu* may, if a cultural heritage dealer falls under any of the following subparagraphs, revoke the permit or order the dealer to suspend the business, entirely or partially,

for a period of time prescribed within the limit of one year: *Provided*, That if a cultural heritage dealer falls under any provision of subparagraphs 1 through 3, the permit shall be revoked without exception:

1. If he/she has obtained the permit by deceit or in any other fraudulent manner;
2. If fine or any heavier punishment was imposed upon him/her for a violation of Article 101, 103 or 104;
3. If he/she has continued the business during the business suspension period; and
4. If he/she has breached his/her obligations under Article 80.

(2) Detailed criteria for the administrative disposition under paragraph (1) shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

Article 83 (Commendations)

The Administrator of the Cultural Heritage Administration may commend any person falling under any of the following subparagraphs, and award a supplementary reward:

1. Any person who has discovered and reported a buried cultural heritage asset, in cases where the cultural heritage asset so discovered and reported is designated as a national treasure or a treasure;
2. Any person who has contributed significantly to the prevention of destruction, theft, or damage of a designated or provisionally designated cultural heritage asset;
3. Any person who has attained a remarkable achievement in protecting and developing an outstanding intangible cultural asset, although he/she is not a holder or an honorary holder of the outstanding intangible cultural heritage asset;
4. Any person who is responsible or obligated to manage, protect, or open to the public a designated or provisionally designated cultural heritage asset and who has demonstrated exemplary conduct in managing, protecting, or opening to the public the cultural heritage asset;
5. Any person who has contributed significantly to the protection, management, and utilization of cultural heritage assets; and
6. Any person who has demonstrated good performance in an exhibition, competition, or any similar event related to cultural heritage assets.

Article 84 (Reward Money)

(1) The Administrator of the Cultural Heritage Administration may pay reward money, as prescribed by Presidential Decree, to any person who has informed an investigative agency of any person who committed or attempted a crime under any provision of Article 101 through 104 and any person who has contributed to the arrest of such person.

(2) The Administrator of the Cultural Heritage Administration may pay reward money, as prescribed by Presidential Decree, to any person who has discovered and reported a buried cultural heritage asset to provide a cause for the excavation falling under Article 61 (4), considering the value and scale of excavated cultural heritage assets.

Article 85 (Delegation of Authority)

Part of the authority granted to the Administrator of the Cultural Heritage Administration pursuant to this Act may be delegated to the Mayors/*Do* governors, as prescribed by Presidential Decree.

Article 86 (Protection of Cultural Heritage Assets in Emergencies)

(1) The Administrator of the Cultural Heritage Administration may, if deemed necessary for the protection of cultural heritage assets at the time when a war, *upheaval*, or any similar emergency breaks out, relocate designated and provisional designated cultural heritage assets, whether State-owned or otherwise, to a safer place and bury them, or take other necessary measures or order the owner, holder, possessor, custodian, or managing organization of a certain cultural heritage asset (hereinafter referred to as "owner of a cultural heritage") to relocate to a safer place and bury it, or take other necessary measures.

(2) The owner of a cultural heritage asset shall not reject, interfere with, or avoid the disposition or order under paragraph (1).

(3) The Administrator of the Cultural Heritage Administration may, if necessary to protect cultural heritage assets at the time when a war, *upheaval*, or any similar emergency breaks out, take them abroad, notwithstanding Article 35. In such cases, he/she shall bring the issue to the State Council for deliberation in advance.

(4) Article 40 shall apply *mutatis mutandis* to paragraph (1): *Provided*, That the same shall not apply to losses caused by *force majeure*, such as ravages of war.

Article 87 (Requests for Assistance)

The Administrator of the Cultural Heritage Administration or a public official with an order from him/her may request the head of a related agency to assist him/her as required.

Article 88 (Prevention from Fires)

(1) The Administrator of the Cultural Heritage Administration or the Mayor/*Do* governor shall establish and implement a policy necessary for protecting designated cultural heritage assets from fire and installing fire-fighting equipment.

(2) The owner of a designated cultural heritage asset or such shall make efforts to install fire-fighting facilities, a warning system, a fire-fighting water system under the Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act (hereinafter referred to as "fire-fighting system") at the place where the designated cultural heritage asset is situated or stored, or at the designated cultural heritage asset itself in compliance with the guidelines prescribed by Presidential Decree in order to prevent and extinguish fire around the designated cultural heritage asset.

(3) The State or a local government may, when the owner installs a fire-fighting system in accordance with paragraph (2), grant a subsidy for all or part of the expenses incurred in such installation within budget.

Article 89 (Raising Professional Human Resources for Protection, Management, and Repair of Cultural Heritage Assets)

(1) The Administrator of the Cultural Heritage Administration may raise professional human

resources for the protection, management, and repair of cultural heritage assets.

(2) The Administrator of the Cultural Heritage Administration may, if deemed necessary for raising professional human resources under paragraph (1), grant them a scholarship.

(3) The Administrator of the Cultural Heritage Administration may, if deemed necessary for ascertaining the current status of education or research performed by a beneficiary of scholarship under paragraph (2) (hereinafter referred to as "scholarship"), order the beneficiary to submit a certificate of academic record or a report on performance of research.

(4) Any beneficiary of the scholarship shall, if the education or research is suspended, there is any change in the education or research, or any cause or event occurs as specified by Ordinance of the Ministry of Culture, Sports and Tourism, report it to the Administrator of the Cultural Heritage Administration without delay. *<Amended by Act No. 8852, Feb. 29, 2008>*

(5) The Administrator of the Cultural Heritage Administration may, if the education or research is suspended, there is a change in the education or research, a beneficiary shows poor performance, or any cause or event occurs as specified by Ordinance of the Ministry of Culture, Sports and Tourism, discontinue the payment of the scholarship or order the beneficiary to return it. *<Amended by Act No. 8852, Feb. 29, 2008>*

(6) Matters necessary for persons eligible for scholarship under paragraphs (1) through (5), application for scholarship, and suspension or return of the payment of scholarship funds, and other relevant matters shall be as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 90 (Protection of Cultural Heritage Assets During Construction Works)

(1) If it is anticipated that a cultural heritage asset is likely to be damaged, destroyed, or covered with water due to a construction project or if there is any need to protect landscape surrounding a cultural heritage asset from such construction project, the executor of the construction project shall take necessary measures in compliance with instructions of the Administrator of the Cultural Heritage Administration. In such cases, expenses incurred in taking such measures shall be borne by the executor of the construction project.

(2) As regards a construction project that will be carried out in an area outside of the outer bounds of a cultural heritage asset (referring to the bounds of the protective zone, if a protective zone is designated), but within an area designated by Municipal Ordinance of the local government concerned under an agreement with the Mayor/Do governor and the Administrator of the Cultural Heritage Administration, the administrative agency concerned shall examine whether carrying out such construction project will affect the preservation of the cultural heritage asset, before it grants authorization, permission, or such for the project.

(3) The extent of the area designated by Municipal Ordinance pursuant to paragraph (2) shall be prescribed by Presidential Decree.

Article 91 (Surface Survey in Search of Cultural Heritage Assets)

(1) An executor of a construction project specified by Presidential Decree shall, when it prepares a project plan for the construction project, conduct a surface survey in search of cultural heritage

assets (hereinafter referred to as "surface survey") in order to ensure whether there are relics are buried or distributed in the area.

(2) The surface survey under paragraph (1) shall be carried out by a specialized institution related to cultural heritage assets as specified and publicly notified by the Administrator of the Cultural Heritage Administration in accordance with the guidelines as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, and the executor of the construction project concerned shall, upon completion of the surface survey, submit a survey report to the Mayor/Do governor and the Administrator of the Cultural Heritage Administration via the head of *Si/Gun/Gu* having jurisdiction over the project area concerned. In such cases, the Mayor/Do governor may present his/her opinion on the report. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The Administrator of the Cultural Heritage Administration shall, if a specialized institution related to cultural heritage assets under paragraph (2) has carried out a surface survey by deceit or in a fraudulent manner, exclude such institution from among the specialized institutions related to cultural heritage public notified pursuant to paragraph (2).

(4) The Administrator of the Cultural Heritage Administration shall, upon receiving a report on the surface survey under paragraph (2), prepare appropriate measures for the preservation of cultural heritage assets, subject to deliberation by the Cultural Heritage Committee, and may issue an order to take measures required for the preservation of cultural heritage assets.

(5) The Administrator of the Cultural Heritage Administration shall notify the Mayor/Do governor and the head of *Si/Gun/Gu* concerned simultaneously of the measures for the preservation of cultural heritage assets under paragraph (4) (including the details of the measures required for the preservation of cultural heritage assets), and the head of *Si/Gun/Gu* shall, in return, notify the executor of the construction project concerned thereof.

(6) An executor of a construction project shall, upon receiving the notice under paragraph (5), take measures required for the preservation of cultural heritage assets, and submit a report on the results thereof to the Mayor/Do governor and the Administrator of the Cultural Heritage Administration via the head of *Si/Gun/Gu*.”

(7) An executor of a construction project shall perform measures for the protection of cultural heritage assets in good faith in compliance with the details of the measures under paragraph (4), and the Mayor/Do governor shall review whether all the measures have been duly performed.

(8) Expenses incurred in the surface survey under paragraph (1) shall be borne by the executor of the project concerned.

(9) The subject matters and scope of the construction projects subject to the obligatory surface survey for cultural heritage assets under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 92 (Expropriation or Use of Land)

(1) The Administrator of the Cultural Heritage Administration or the head of a local government may, if necessary for the protection and maintenance of a cultural heritage asset, expropriate or use the land, buildings, trees, bamboo, or other structures within the protective zone as a designated cultural heritage asset.

(2) The Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply to the expropriation or use under paragraph (1).

Article 93 (Protection of Cultural Heritage Assets in Development Projects)

The State and local governments shall, when they plan and execute various development projects, make efforts to keep cultural heritage assets (including protective facilities and protective zones therefor) from being damaged.

Article 94 (Prohibition on Exportation)

(1) Article 35 (1) and (2) shall apply *mutatis mutandis* to cultural heritage assets, that can be categorized as chattels (hereinafter referred to as "ordinary movable cultural heritage assets"), among cultural heritage assets not designated under this Act: *Provided*, That the same shall not apply to cases falling under any of the following subparagraphs and where cultural heritage assets are taken abroad or brought back for overseas exhibition of cultural heritage assets or any international cultural exchange with a permit of the Administrator of the Cultural Heritage Administration:

1. If a certain ordinary movable cultural heritage asset taken abroad by a museum or such established in accordance with the Museum and Art Gallery Support Act to a foreign museum or such is brought back within ten years from the day when it was taken abroad; and
2. If a museum or an organization related to cultural heritage assets, which is officially recognized by a foreign government, take an ordinary movable cultural heritage asset purchased or received as a gift in the Republic of Korea with intent to exhibit it in a museum or such in its own country.

(2) Matters concerning the procedure for exportation or taking cultural heritage assets under paragraph (1) 2 abroad shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Any person who intends to export or take abroad a chattel that might be mistaken for an ordinary movable cultural heritage asset shall obtain confirmation of the Administrator of the Cultural Heritage Administration in advance.

(4) Any person who desires to obtain the confirmation under paragraph (3) shall pay a fee as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

(5) Matters necessary for the scope of ordinary movable cultural heritage assets and the procedure for verification under the main body of paragraph (1) and paragraph (3) shall be prescribed by Presidential Decree.

Article 94-2 (Inspection of Ordinary Movable Cultural Heritage Assets)

(1) The Administrator of the Cultural Heritage Administration may, if deemed necessary, assign public officials under his/her control to inspect the current state of ordinary movable cultural heritage assets possessed by a State organ or a local government, the current status of the management, repair, and preservation of such cultural heritage assets. In such cases, the head of the State organ or local government shall cooperate with the public officials in the inspection.

(2) The Administrator of the Cultural Heritage Administration may, if the results of an inspection conducted pursuant to paragraph (1) reveals that cultural heritage assets have been preserved and maintained improperly, request the head of the organ or local government concerned to prepare a scheme for the preservation and maintenance of the cultural heritage assets.

(3) The head of a State organ or a local government shall, upon receiving a request from the Administrator of the Cultural Heritage Administration pursuant to paragraph (2), prepare a scheme for the preservation and maintenance of the cultural heritage assets and shall report it to the Administrator of the Cultural Heritage Administration prescribed by Presidential Decree.

(4) Article 45 (3) through (5) shall apply *mutatis mutandis* to notices of inspections conducted by the Administrator of the Cultural Heritage Administration pursuant to paragraph (1), demands for cooperation in inspections, and other matters necessary for such inspections.

[This Article Newly Inserted by Act No. 9002, Mar. 28, 2008]

Article 95 (Support and Fostering of Organizations for Protection of Cultural Heritage)

The Administrator of the Cultural Heritage Administration may, if deemed necessary for the protection, preservation, propagation, and enhancement of cultural heritage, support and foster related organizations.

Article 96 (Establishment of Korea Cultural Heritage Foundation)

(1) The Korea Cultural Heritage Foundation (hereinafter referred to as the "Cultural Heritage Foundation") shall be established as an affiliate of the Cultural Heritage Administration to protect, preserve, propagate, and enhance cultural heritage and develop traditional living culture.

(2) The Cultural Heritage Foundation shall be a legal entity.

(3) The Cultural Heritage Foundation shall have executives and employees as required by its articles of association.

(4) Except as otherwise provided specifically by this Act, provisions governing incorporated foundations in the Civil Act shall apply *mutatis mutandis* to the Cultural Heritage Foundation.

(5) Expenses incurred in the operation of the Cultural Heritage Foundation may be subsidized by the National Treasury.

(6) The State or a local government may, if deemed necessary for carrying out the business affairs for the Cultural Heritage Foundation, allow it to use and benefit from any State-owned or public asset without consideration.

Article 97 (Protection of Foreign Cultural Heritage Assets)

(1) Cultural heritage designated and protected by laws and statutes of a foreign country (hereinafter referred to as "foreign cultural heritage") that is a party to the Convention Concerning the Protection of the World Cultural and Natural Heritage (hereinafter referred to as the "Convention"), in which the Republic of Korea also participates as a party to preserve human cultural heritage and deepen the friendship between states, shall be protected in accordance with the Convention and this Act

(2) The Administrator of the Cultural Heritage Administration may, if there is a reasonable ground

to believe that a foreign cultural heritage asset that any person intends to bring or has already brought into the Republic of Korea has been illegally taken abroad from the foreign country concerned, seize the cultural heritage asset.

(3) The Administrator of the Cultural Heritage Administration shall keep a foreign cultural heritage asset seized pursuant to paragraph (2) in a museum or such for management.

(4) The Administrator of the Cultural Heritage Administration shall, once it is confirmed that a foreign cultural heritage asset kept in his/her custody pursuant to paragraph (3) has been legally taken abroad from the foreign country concerned, return it to its owner or possessor without delay. The same shall apply in cases where it was confirmed that the foreign cultural heritage asset had been illegally taken abroad but it is obvious that the foreign country concerned has no intent to recover the cultural heritage asset.

(5) The Administrator of the Cultural Heritage Administration shall, if a foreign country proves that a foreign cultural heritage asset brought into the Republic of Korea was illegally taken abroad from the foreign country and makes a request for return of the cultural heritage asset in accordance with appropriate procedures provided by the Convention or if he/she shall perform the duty to return the cultural heritage asset in accordance with the Convention, take necessary measures with the cooperation of related agencies so that it can be returned to the foreign country concerned.

Article 98 (Registration and Protection of World Heritage)

(1) The Administrator of the Cultural Heritage Administration may file an application with the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the registration of cultural and natural heritage with a significant universal value for human being as world heritage in accordance with Article 11 of the Convention Concerning the Protection of the World Cultural and Natural Heritage. In such cases, he/she shall, when he/she intends to file an application for the registration of natural heritage as world heritage, consult with related central administrative agencies in advance.

(2) The Administrator of the Cultural Heritage Administration shall make full efforts to preserve human cultural heritage and carry out activities for the enhancement of the prestige of cultural heritage abroad, including the registration of memory of the world and selection of masterpieces of oral and intangible heritage of humanity.

(3) With respect to cultural heritage assets registered or selected pursuant to paragraphs (1) and (2) as world heritage, memory of the world, or masterpieces of the oral and intangible heritage of humanity (hereinafter referred to as "registered world heritage or such"), the State or a local government shall maintain and manage such cultural heritage to the level equivalent to the State-designated cultural heritage assets designated pursuant to Articles 5 through 8 according to the categories of the features from the time when they are registered or selected and thereafter, and the Administrator of the Cultural Heritage Administration may order any person who engages in any activity that is likely to affect world heritage or its surrounding landscape to take measures necessary for the protection of world heritage and its surrounding landscape as prescribed by Presidential Decree.

Article 99 (Relations to Other Acts)

(1) The Administrator of the Cultural Heritage Administration shall, whenever he/she intends to take any of the following actions for a park area or a park protection area as defined in the Natural Parks Act

with an area equivalent to or larger than the area prescribed by Presidential Decree, consult with the park management authority concerned:

1. To designate a certain area as a historic site, a scenic spot, or a natural monument pursuant to Article 7;
2. To designate a protective zone pursuant to Article 9; and
3. To issue a permit or revised permit pursuant to Article 34.

(2) Any permit for a park area or a park protection area under the National Parks Act pursuant to Article 34 (including a case to which the aforesaid Article shall apply *mutatis mutandis* pursuant to Article 75 (2)) shall be deemed to be a permit for occupation and use of the park or any similar permission under Articles 23 and 25 of the Natural Parks Act

(3) It shall be deemed that an area designated as a State-designated or a City/Do-designated cultural heritage asset or as the protective facility or protective zone for such cultural heritage asset pursuant to any provision of Articles 5, 7 through 9, and 71 (1) has been designated as the conservation district under Article 37 (1) 6 of the National Land Planning and Utilization Act, if the area falls under the category of an urban area as defined by subparagraph 1 of Article 6 of the aforesaid Act.

(4) The provisions governing *bona fide* acquisition of Article 249 of the Civil Act shall not apply to dealings and transactions of a cultural heritage asset falling under any of the following subparagraphs: *Provided*, That in cases where a transferee of a cultural heritage asset purchased it in good faith through auction or from a cultural heritage dealer or such, the victim or the person who loses the cultural heritage asset may pay to the transferee the price that the transferee paid and file a claim to transferee to return it:

1. Any cultural heritage asset designated by the Administrator of the Cultural Heritage Administration or the Mayor/Do governor;
2. Any cultural heritage asset publicly notified as an article stolen or lost; and
3. Any cultural heritage asset with its essential part or record showing the source artificially mutilated.

(5) Necessary matters concerning the public notification under paragraph (4) shall be as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Act No. 8852, Feb. 29, 2008>

Article 100 (Hearings)

The Administrator of the Cultural Heritage Administration, the Mayor/Do governor, or the head of Si/Gun/Gu shall, when he/she intends to make any of the following dispositions, hold a hearing:

<Amended by Act No. 9116, Jun. 13, 2008>

1. Revocation of qualification of a repair engineer under Article 21;

2. Revocation of registration of a repair engineer under any provision of Article 32 (1) 2 through 9;
3. Revocation of qualification of a repair technician under Article 25;
4. Revocation of registration of a repair technician under Article 26;
5. Revocation of registration of a cultural heritage repair business under Article 28;
- 5-Cancellation of designation of a veterinary infirmary under Article 31 (5);
- 2.
6. Revocation of a permit in cases where any person who has obtained a permit under Article 34, 35, or the proviso to Article 50 (1) violates any provision or condition of the permit; and
7. Revocation of the permit or suspension of business of a cultural heritage dealer pursuant to Article 82.

CHAPTER VIII PENAL PROVISIONS

Article 101 (Crime of Exportation without Permit)

(1) Any person who exported or took abroad any designated or provisionally designated cultural heritage asset, or who has not repatriated a cultural heritage asset taken abroad in accordance with the proviso to Article 35 (1) or Article 35 (2) (including cases to which any of the aforesaid provisions shall apply *mutatis mutandis* pursuant to Article 75 (1)), in violation of the main body of Article 35 (1) (including a case to which the aforesaid provisions shall apply *mutatis mutandis* pursuant to Article 75 (1)) shall be punishable by imprisonment for a limited term of not less than five years, and the cultural heritage asset concerned shall be confiscated.

(2) Any person who exported or took abroad any cultural heritage asset, or who has not repatriated any cultural heritage asset taken abroad, in violation of Article 94 (1) shall be punishable by imprisonment for a limited term of not less than three years, and the cultural heritage asset concerned shall be confiscated.

(3) Any person who transferred or acquired a cultural heritage asset, or intermediated a transaction of a cultural heritage asset, with knowledge that the cultural heritage asset would be exported or taken abroad in violation of paragraph (1) or (2), shall be punishable by imprisonment for a limited term of not less than three years, and the cultural heritage asset concerned shall be confiscated.

Article 102 (Crime of Enticement to Make Designation by Deceit)

Any person who has enticed another person to have an article designated or provisionally designated as a cultural heritage asset by deceit or in any other fraudulent manner shall be punishable by imprisonment for a limited term of not less than five years.

Article 103 (Crime of Infliction of Damages or Concealment)

(1) Any person who has inflicted damage upon, stolen, concealed, or impaired the utility of a cultural heritage asset designated as a State- designated cultural heritage asset (excluding an outstanding intangible cultural heritage asset) in any other way shall be punishable by

imprisonment for a limited term of not less than three years.

(2) Any person falling under any of the following subparagraphs shall be punishable by imprisonment for a limited term of not less than two years:

1. Any person who has inflicted damage upon, stolen, concealed, or impaired the utility of any designated or provisionally designated cultural heritage asset other than those specified in paragraph (1); and
2. Any person who has inflicted damage upon, stolen, concealed, or impaired the utility of any ordinary movable cultural heritage asset, with knowledge that it is an ordinary movable cultural heritage asset.

(3) Any person falling under any of the following subparagraphs shall be punishable by imprisonment for a limited term of not less than two years or by fine of not less than twenty million won but not more than 150 million won:

1. Any person who has made a specimen, stuffed or processed otherwise, with a natural monument without a permit or a revised permit for the alteration of the current state under subparagraph 3 of Article 34;
2. Any person who has acquired, transferred, purchased, or transported a cultural heritage asset, with knowledge of a violation of paragraph (1) or (2) or subparagraph 1; and
3. Any person who has mediated an activity under subparagraph 2.

(4) Even in cases where an activity that had impaired the utility of a designated or provisionally designated cultural heritage asset or an ordinary movable cultural heritage asset by infliction of damages, theft, or concealment, or any other activity committed by another person before the concealment under paragraph (1) or (2) has not been punished, the person who committed such concealment shall be punishable by imposition of the punishment prescribed by the corresponding provision.

(5) In cases of a violation of any provision of paragraphs (1) through (4), the cultural heritage asset concerned shall be confiscated: *Provided*, That if it is impossible to confiscate the cultural heritage asset, its appraised value shall be imposed additionally for collection.

Article 104 (Crime of Grave Robbery)

(1) Any person who has excavated any buried cultural heritage asset at the protective facility or protective zone for a designated or provisionally designated cultural heritage asset shall be punishable by imprisonment for a limited term of not less than five years.

(2) Any person who has excavated any buried cultural heritage asset without a permit at any place other than the place under paragraph (1), any person who has altered the current state of an area that contained buried cultural heritage asset the existence of which had already been ascertained or for which excavation is in progress, or any person who violated an order to discontinue or suspend the excavation of buried cultural heritage assets shall be punishable by imprisonment with labor for not more than ten years or by fine not exceeding 100 million won.

(3) Any person who, for or without consideration, has transferred, purchased, acquired, transported, possessed, or kept in custody a cultural heritage asset, with knowledge that the cultural heritage asset had been excavated or the current state of the cultural heritage asset had

been altered in violation of paragraph (1) or (2), shall be punishable by imprisonment with labor for not more than seven years or by fine not exceeding 70 million won.

(4) Even in cases where any person had robbed a grave, altered the current state of a cultural heritage asset, or transferred, purchased, acquired, transported, possessed, or kept a cultural heritage asset in custody before another person possessed or kept it in custody as referred to in paragraph (3) and the former person has not been punished, the latter person who possessed or kept it in custody shall be punishable by imposition of the punishment prescribed by the corresponding provision.

(5) Any person who has mediated an activity under paragraph (3) shall also be punishable by imposition of the punishment under paragraph (3).

(6) Any person who has concealed or disposed of a buried cultural heritage asset, or who has altered the current state of a buried cultural heritage asset, without reporting the discovery of such buried cultural heritage asset in violation of Article 54 shall be punishable by imprisonment with labor for not more than three years or by fine not exceeding 30 million won.

(7) In cases of a violation of any provision of paragraphs (1) through (6), the cultural heritage asset concerned shall be confiscated.

Article 105 (Aggravated Crime)

(1) Punishment imposed on any person who has committed a crime under any provision of Articles 101 through 104, while demonstrating the force of an organization or a large number of people or carrying a dangerous object in his/her possession, shall be aggravated by one-half of the punishment prescribed by the corresponding Article.

(2) Any person who has killed or injured any other person who had maintained or protected a designated or provisionally designated cultural heritage asset, while committing a crime under paragraph (1), shall be punishable by death penalty, life imprisonment with labor, or imprisonment with labor for not less than five years.

Article 106 (Mutatis Mutandis Application of Criminal Act

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Any person who has committed a crime of arson, inundation, or destruction against any of the following structures shall be punishable by applying Article 165, 178, or 367 of the Criminal Act and the corresponding provisions related to the afore-said Articles in the aforesaid Act *mutatis mutandis*;

1. Any structure designated or provisionally designated as a cultural heritage asset; and
2. Any structure for the protection of a designated or provisionally designated cultural heritage asset.

Article 107 (Crimes of Inundation of Historic Site)

Any person who has trespassed on a historic site, scenic spot, natural monument, or protective zone designated or provisionally designated by the Administrator of the Cultural Heritage Administration by inundating it shall be punishable by imprisonment with labor for not less than two years, but not more than ten years.

Article 108 (Other Crimes of Inundation)

Any person who has trespassed on any designated or provisionally designated cultural heritage asset other than those specified in Article 107 or the protective zone of such cultural heritage asset by inundating it shall be punishable by imprisonment with labor for not more than ten years or by fine not exceeding 100 million won.

Article 109 (Attempted Crimes)

(1) Any person who has attempted a crime under any provision of Articles 101 through 104, 105 (1), 107, and 108 shall be punishable.

(2) Any person who has prepared him/herself, or attempted, to commit a crime under any provision of Articles 101 through 104, 105 (1), 107, and 108 shall be punishable by imprisonment for not more than two years or by fine not exceeding 20 million won.

Article 110 (Negligence)

(1) Any person who has committed a crime under Article 107 or 108 by negligence shall be punishable by fine not exceeding 10 million won.

(2) Any person who has committed a crime under Article 104 (3) or (4), 107, or 108 by negligence within the scope of business conduct or by gross negligence shall be punishable by imprisonment without labor for not more than three years or by fine not exceeding 30 million won, and the cultural heritage asset concerned shall be confiscated in cases of a violation of Article 104 (3) or (4).

Article 111 (Crimes of Conducting Activities not Permitted)

(1) Any person falling under any of the following subparagraphs shall be punishable by imprisonment with labor for not more than five years or by fine not exceeding 50 million won:

1. Any person who has captured or collected an animal, a plant, a mineral in an area or a protective zone designated or provisionally designated as a scenic spot or natural monument, or has removed it outside of the area, without a permit in violation of subparagraph 1 of Article 34 (including cases to which the aforesaid provision shall apply *mutatis mutandis* pursuant to Article 75 (2)):
2. Any person who has altered the current state of a designated or provisionally designated cultural heritage asset (including the protective facility and protective zone for such cultural heritage asset and a dead natural monument), or who affected the preservation of such cultural heritage asset, in violation of subparagraph 3 of Article 34 (including a case to which the aforesaid provision shall apply *mutatis mutandis* pursuant to Articles 42 and 75 (2)):
3. Any person who has engaged in any business activity without a permit in violation of Article 77 (1); and
4. Any person who has rejected, interfered with, or avoided a surface survey of cultural heritage assets under Article 91 (1).

(2) Any person falling under any of the following subparagraphs shall be punishable by imprisonment with labor for not more than two years or by fine not exceeding 20 million won:

1. Any person who owns the cultural heritage asset concerned in cases of a violation of any

subparagraph of paragraph (1); and

2. Any person who committed the alteration of the current state of a registered cultural heritage asset without a permit or revised permit in violation of the proviso to Article 50 (1).

Article 112 (Crimes of Violating Administrative Orders)

Any person falling under any of the following subparagraphs shall be punishable by imprisonment with labor for not more than three years or by fine not exceeding 30 million won, and the object concerned shall be confiscated in cases of subparagraph 3.

1. Any person who has violated an order issued pursuant to Article 37 (1) (including a case to which the aforesaid provision shall apply *mutatis mutandis* pursuant to Article 75 (2)) or Article 86 (1);
2. Any person who has engaged in a business of repair cultural heritage assets within registration in violation of Article 22 (1) or 26;
3. Any person who has carried on business activities of a cultural heritage repair business without registration in violation of Article 27 (1);
4. Any person who has committed an activity under subparagraph 1 of Article 34 (including a case to which the aforesaid provision shall apply *mutatis mutandis* pursuant to Article 75 (2)) without permission; and
5. Any person who has brought in or spread any substance harmful to the growth of any habitat, breeding area, or migratory area designated or provisionally designated as a natural monument (including a natural monument designated as a City/Do designated cultural heritage asset).

Article 113 (Crimes of Interfering with Management Activities)

Any person falling under any of the following subparagraphs shall be punishable by imprisonment with labor for not more than two years or by fine not exceeding 20 million won:

1. Any person who has rejected, interfered with, or evaded excavation of buried cultural heritage under Article 57 without a justifiable reason;
2. Any person who has interfered with activities by a managing organization for management in violation of Article 16 (4) (including cases to which the aforesaid provision shall apply *mutatis mutandis* pursuant to Article 75 (2)) or who has interfered with activities of any person who has authority to manage a designated or provisionally designated cultural heritage asset without justifiable grounds;
3. Any person who has refused to cooperate, in violation of the main body of Article 45 (4) (including cases to which the main body of Article 45 (4) shall apply *mutatis mutandis* pursuant to Article 46 (2) and a case to which the aforesaid provisions shall apply *mutatis mutandis* pursuant to Article 75 (2)), who has rejected, interfered with, or evaded a public official's performance of duties under this Act without justifiable grounds, or who has furnished such public official with false data;
4. Any person who is responsible for the maintenance and preservation of a designated or provisionally designated cultural heritage asset but destroyed or inflicted damage on the cultural heritage asset by gross negligence;

5. Any person who spent a subsidy granted pursuant to this Act for any purpose other than the originally intended purpose of the grant;
6. Any person who has provided false information or submitted a false report;
7. Any person who has intentionally destroyed, moved or removed, or otherwise spoiled a boundary marker of an area designated as a cultural heritage asset or the protective zone for such cultural heritage asset, by making it impossible to discern the boundaries of such area;
8. Any person who has committed an activity under subparagraph 2 of Article 34 (including cases to which the aforesaid provisions shall apply *mutatis mutandis* pursuant to Article 75 (2)) without permission;
9. Any person who has opened a cultural heritage asset to the public in violation of any restriction placed thereon by the Administrator of the Cultural Heritage Administration on making it available to the public pursuant to Article 43 (2) or who entered a cultural heritage asset without permission under paragraph (5) of the aforesaid Article (including cases to which the aforesaid provisions shall apply *mutatis mutandis* pursuant to Article 75 (2)); and
10. Any person who has failed to comply with an order, instruction, or inspection under Article 55 (6) or (8), 61 (6), 90, or 91 (4) without justifiable grounds.

Article 114 (Crimes of Unqualified Repairs)

Any person falling under any of the following subparagraphs shall be punishable by imprisonment with labor for not more than one year or by fine not exceeding 10 million won:

1. Any person who has engaged an unqualified person to repair a designated cultural heritage asset in violation of Article 17 (1) (including cases to which the aforesaid provisions shall apply *mutatis mutandis* pursuant to Article 75 (1));
2. Any person who has allowed any other person to engage in a repair business in his/her name, who lent his/her certificate of repair engineer to any other person, or who borrowed and used the name or the certificate of a repair engineer in violation of Article 20 (3);
3. Any person who has been employed concurrently by two or more cultural heritage repair businesses in violation of Article 20 (4); and
4. Any person who has allowed another person to get a contract for a repair project or to perform a repair project in his/her trade name, who lent his/her certificate or registration pocketbook of repair business to any other person, or who borrowed and used the trade name, registration certificate, or registration pocketbook of a repair business in violation of Article 27 (4).

Article 115 (Fines for Negligence)

(1) Any person falling under any of the following subparagraphs shall be punishable by fine for negligence not exceeding five million won:

1. Any person who failed to submit a report (including any person who has submitted a false report; the same shall apply hereafter in this Article) under subparagraph 6 or 9 of Article 38 (including cases to which the aforesaid provisions shall apply *mutatis mutandis* pursuant to Article 75 (2));
2. Any person who has failed to submit a report under Article 49 (1) 3;

3. Any person who has failed to submit a report under the main body of Article 50 (1);
 4. Any person who has failed to submit a report under Article 54;
 5. Any person who has failed to perform obligations under Article 80; and
 6. Any person who has failed to file a report on discontinuance of business under Article 81.
- (2) Any person who failed to submit a report under subparagraph 5 of Article 38 (including cases to which the aforesaid provisions shall apply *mutatis mutandis* pursuant to Article 75 (2)) shall be punishable by fine for negligence not exceeding four million won.
- (3) Any person who has failed to submit a report under subparagraph 8 of Article 38 (including cases to which the aforesaid provision shall apply *mutatis mutandis* pursuant to Article 75 (2)) shall be punishable by fine for negligence, not exceeding three million won.
- (4) Any person falling under any of the following subparagraphs shall be punishable by fine for negligence, not exceeding two million won:
1. Any person who has failed to file a report on a change in accordance with Article 22 (2) or 27 (1);
 2. Any person who has failed to submit a report on a matter under any provision of subparagraphs 1 through 4 and 7 of Article 38 (including cases to which the aforesaid provisions shall apply *mutatis mutandis* pursuant to Article 75 (2)); and
 3. Any person who has failed to submit a report under Article 49 (1) 1 or 2.

Article 116 (Imposition and Collection of Fine for Negligence)

- (1) Fine for negligence under Article 115 shall be imposed and collected by the Administrator of the Cultural Heritage Administration, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* (hereinafter referred to as "imposing authority") as prescribed by Presidential Decree.
- (2) Any person who is dissatisfied with the disposition of a fine for negligence under paragraph (1) may file an objection with the imposing authority within 30 days from the day on which the notice of the disposition is delivered.
- (3) The imposing authority shall, upon receiving an object filed in accordance with paragraph (2) by any person subjected to the disposition of fine for negligence under paragraph (1), notify the competent court thereof without delay, and the competent court shall, upon receiving such notice, submit the case to trial pursuant to the Non-Contentious Case Litigation Procedure Act
- .
- (4) If neither an objection is filed nor the fine for negligence paid within the period of time prescribed in paragraph (2), the fine for negligence shall be collected in accordance with the practices on the dispositions against default on national or local taxes.

Article 117 (Joint Penal Provisions)

- (1) If the representative, an agent, an employee, or a servant of a legal entity commits any activity under any provision of Articles 104 through 114 in the scope of the business of the legal entity or the management of its asset, not only shall such actor be punishable accordingly, but the legal entity shall also be punishable by fine prescribed in the relevant Article.
- (2) If an agent, an employee or a servant of a private individual commits any activity under any

provision of Articles 104 through 114 in the scope of the business of the private individual or the management of his/her asset, not only shall such actor be punishable accordingly, but the private individual shall also be punishable by the fine prescribed in the relevant Article.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into on the date of its promulgation: *Provided*, That the amended provisions of Articles 14 (1) and (3), 61 (1), 77 through 82, and 99 (4) and (5), subparagraph 7 of Article 100, and Articles 111 (1) 3 and 115 (1) shall enter into force on July 27, 2007.

Article 2 (Transitional Measures Concerning Enforcement Date)

Until before the amended provisions of Articles 14 (1) and (3), 61 (1), 77, 80, and 82, subparagraph 7 of Article 100, and Article 115 (1) enters into force pursuant to the proviso to Article 1 of Addenda, the corresponding provisions of the former Articles 13 (1) and (3), 48 (1), 61, 64, and 65, subparagraph 7 of Article 79-2, and Article 93 (1) shall apply.

Article 3 (Transitional Measures Concerning Designated Cultural Heritage Assets)

(1) The designated cultural heritage assets under the former provisions as of the enforcement date of the Amendment (Act No. 3644) to the Cultural Heritage Protection Act shall be deemed to have been designated as the State-designated cultural heritage assets pursuant to the Amendment (Act No. 3644) to the Cultural Heritage Protection Act.

(2) Local cultural heritage assets under the former provisions as of the enforcement date of the Amendment (Act No. 3644) to the Cultural Heritage Protection Act shall be deemed to have been designated as the competent City/Do-designated cultural heritage assets pursuant to the Amendment (Act No. 3644) to the Cultural Heritage Protection Act.

(3) The cultural heritage dealers with a permit granted pursuant to the former provisions as of the enforcement date of the Amendment (Act No. 3644) to the Cultural Heritage Protection Act shall be deemed to have been granted a permit pursuant to the Amendment (Act No. 3644) to the Cultural Heritage Protection Act.

Article 4 (Transitional Measures Concerning Disposition of Miscellaneous Assets)

(1) The Minister of Culture and Tourism may convey, to the spouse of the late Yi Eun, part of miscellaneous assets among the assets of the old royal family, which escheated to the State pursuant to the Old Royal Property Act that was repealed by the Amendment (Act No. 1265) to the Cultural Heritage Protection Act.

(2) The Minister of Culture and Tourism shall, when he/she intends to convey assets pursuant to paragraph (1), consult with the Minister of Finance and Economy concerning the kind and scope of the assets and other relevant matters, and shall then bring the case to the State Council for deliberation.

Article 5 (Transitional Measures Concerning Registration of Repair Engineers and Similar Persons for Cultural Heritage Assets)

(1) The repair engineers, repair technicians, or repair business for cultural heritage assets who were

registered with the Cultural Heritage Administration Bureau pursuant to the former provisions as of the enforcement date of the Amendment (Act No. 5073) to the Cultural Heritage Protection Act shall be deemed to have been registered with the Cultural Heritage Administration Bureau as repair engineers, repair technicians, or repair business for cultural heritage assets pursuant to the amended provisions of the Amendment (Act No. 5073) to the Cultural Heritage Protection Act.

(2) Any repair business for cultural heritage assets who were registered with the Cultural Heritage Administration pursuant to the former provisions as of the enforcement date of the Amendment (Act No. 6840) to the Cultural Heritage Protection Act shall be deemed to have been registered with the competent Mayor/*Do* governor pursuant to the amended provisions of the Amendment (Act No. 6840) to the Cultural Heritage Protection Act.

(3) The repair engineers and repair technicians who were registered or who filed a report on a change with the Administrator of the Cultural Heritage Administration pursuant to the former provisions as of the enforcement date of the Amendment (Act No. 7365) to the Cultural Heritage Protection Act shall be deemed to have been registered or filed a report on a change with the competent Mayor/*Do* governor pursuant to the amended provisions of the Amendment (Act No. 7365) to the Cultural Heritage Protection Act.

Article 6 (Transitional Measure concerning Written Test of Engineer Examination)

Persons who had been admitted (including persons whose admission had been finally confirmed) to a school, which is categorized into various schools under Article 59 of the Higher Education Act and was established to raise professionals of traditional culture as prescribed by Presidential Decree, before the Amendment (Act No. 7365) to the Cultural Heritage Protection Act entered into force shall be governed by Article 18-2 (4) 1 (referring to the provision in force before the Amendment (Act No. 7365) to the Cultural Heritage Protection Act entered into force), notwithstanding Article 18-2 (4) of the Amendment (Act No. 7365) to the Cultural Heritage Protection Act.

Article 7 (Transitional Measure Concerning Revocation of Registration of Repair Engineers and Technicians)

The disposition of revocation of registration or business suspension made against a repair engineer or technician pursuant to the former Article 18-5 or 18-7 (referring to the provisions in force before the Amendment (Act No. 7365) to the Cultural Heritage Protection Act), as of the enforcement date of the Amendment (Act No. 7365) to the Cultural Heritage Protection Act shall be deemed to be a disposition of revocation of registration or business suspension made pursuant to Article 18-7 or 18-10 of the Amendment (Act No. 7365) to the Cultural Heritage Protection Act.

Article 8 (Transitional Measure Concerning Reporting by Cultural Heritage Dealers)

Any person who has obtained a permit for a cultural heritage dealing business in accordance with the former provisions in force as of the enforcement date of the Amendment (Act No. 5719) to the Cultural Heritage Protection Act shall be deemed to have reported the cultural heritage dealing business in accordance with Article 61 of the Amendment (Act No. 5719) to the Cultural Heritage Protection Act.

Article 9 (Transitional Measures Concerning Permit Granted to Cultural Heritage Dealers)

Any person who has reported his/her cultural heritage dealing business (hereafter referred to as "cultural heritage dealer") in accordance with the former provisions as of July 27, 2007, which corresponds to the enforcement date of the Partial Amendment (Act No. 8278) to the Cultural Heritage Protection Act, shall obtain a permit for the cultural heritage dealing business in accordance with the aforesaid Act by no later than January 26, 2008, which corresponds to six months after the enforcement date of the amended provisions of Article 61 of the aforesaid Act: *Provided*, That a cultural heritage dealer falling under any of the following subparagraphs shall be deemed to have met the qualification requirements under the amended provisions of Article 62 of the aforesaid Act:

1. Any cultural heritage dealer who has prepared account books for dealings, exchanges and other transactions and has kept the record of such transactions for two years or longer in accordance with the former provisions of Article 64; and
2. Any cultural heritage dealer who has failed to meet the requirement of two years or longer among the requirements under subparagraph 2, but finishes an educational course conducted for six months or longer by an institution or organization, which is designated by the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree by July 26, 2008, which corresponds to one year after the enforcement date of the Partial Amendment (Act No. 8278) to the Cultural Heritage Protection Act.

Article 10 (General Transitional Measures Concerning Dispositions)

Activities committed by or against an administrative agency pursuant to the former provisions as of the enforcement date of this Act shall be deemed to be activities committed by or against the administrative agency pursuant to the corresponding provisions of this Act.

Article 11 (General Transitional Measures concerning Penal Provisions or Fine for Negligence)

- (1) Activities committed before the Amendment (Act No. 3644) to the Cultural Heritage Protection Act entered into force shall be governed by the former provisions in applying penal provisions to such activities.
- (2) Activities committed before the Amendment (Act No. 5719) to the Cultural Heritage Protection Act entered into force shall be governed by the former provisions in applying penal provisions to such activities.
- (3) Activities committed before the Amendment to force shall be governed by the former provisions in applying provisionment (Act No. 6443) to the Cultural Heritage Protection Act entered s concerning fine for negligence to such activities.
- (4) Activities committed before this Act enters into force shall be governed by the former provisions in applying penal provisions or provisions concerning fines for negligence to such activities.

Article 12 *Omitted.*

Article 13 (Relations to Other Acts and Subordinate Statutes)

Any citation of the former Cultural Heritage Protection Act or a provision thereof by any other Act

or subordinate statute enforceable at the time his Act enters into force shall be deemed to be a citation of the this Act or the corresponding provision hereof in lieu of the former provision, if such corresponding provisions exists herein.

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

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That ... *<Omitted> ... the amended part of an Act which was promulgated before this Act enters into force but is hereby amended before such Act enters into force, among the Acts amended pursuant to Article 6 of Addenda shall enter into force on the enforcement date of such Act.*

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9002, Mar. 28, 2008>

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

ADDENDA <Act No. 9116, Jun. 13, 2008>

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

(2) (Applicability to Reporting of State-Designated and Registered Cultural Heritage Assets) The amended provisions of subparagraph 6 of Article 38 and Article 49 (1) 3 shall be applicable to persons who fall under such provisions on or after the enforcement date of this Act.

(3) (Transitional Measure for Veterinary Infirmary for Natural Monuments) The veterinary infirmaries designated for natural monuments by the Administrator of the Cultural Heritage Administration pursuant to the former provisions as of the enforcement date of this Act shall be deemed to have been designated by the competent Mayor/Do governor pursuant to the amended provisions of Article 31.