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**ACT ON THE CONTROL OF THE MANUFACTURE, EXPORT AND IMPORT,
ETC. OF SPECIFIC CHEMICALS AND CHEMICAL AGENTS FOR THE**

[Enforcement Date 01. Jan, 2007.] [Act No.7948, 28. Apr, 2006., Partial Amendment]

산업통상자원부 (바이오융합산업과)044-203-4299



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ACT ON THE CONTROL OF THE MANUFACTURE, EXPORT AND IMPORT, ETC. OF SPECIFIC CHEMICALS AND CHEMICAL AGENTS FOR THE PROHIBITION OF CHEMICAL AND BIOLOGICAL WEAPONS

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prohibit the manufacture, etc. of chemical and biological weapons and to stipulate necessary matters concerning the control of the manufacture, export and import, etc. of specific chemicals, biological agents and toxins which might be used to manufacture chemical and biological weapons in order to enforce the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and to fulfill the other internationally shared obligations with the aim of prohibiting and controlling the chemical and biological weapons.

[This Article Wholly Amended by Act No. 7948, Apr. 28, 2006]

Article 2 (Definitions)

For the purposes of this Act, the definitions of terms shall be as follows:<Amended by Act No. 7948, Apr. 28, 2006>

1. The term "chemical weapons" means those falling under any of the following items:

(a) Toxic chemicals and their source materials: Provided, That the case where they are used for the purposes that are not prohibited in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (hereinafter referred to as the "Convention on the Prohibition of Chemical Weapons") shall be excluded;

- (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals of specified in the foregoing item (a); and
 - (c) Any equipment and any transport means specifically designed for use with the employment of munitions and devices specified in the foregoing item (b);
2. The term "purposes that are not prohibited under the Convention on the Prohibition of Chemical Weapons" means purposes falling under any of the following items:
- (a) Industrial, agricultural, medical, pharmaceutical, research or other peaceful purposes;
 - (b) Purposes directly related to the protection of human life and body, and environment against toxic chemicals and chemical weapons;
 - (c) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties chemicals as a method of warfare; or
 - (d) Purposes for the law enforcement of riot control purposes. In this case, the material that is permitted to be used for the purpose of suppressing any riot shall be limited to the chemical material that does not fall under the specific chemical material provided for in the provisions of subparagraph 5 and its effect wears off soon after stimulating the sense organs of human bodies or causing the powerlessness of human bodies;
3. The term "toxic chemical" means any chemical which through its chemical action on life might cause death, temporary incapacitation or permanent harm to humans or animals;
4. The term "precursor" means any chemical which takes part at any stage in the manufacture of toxic chemicals;
5. The term "specific chemical" means any chemical which might be used for the manufacture of chemical weapons, and any of categories 1 to 3 chemicals listed in the annexed Table;
6. The term "discrete organic chemical" means any chemical compound consisting of all compounds of carbon identifiable by chemical name, by structural formula and by Chemical Abstracts Service registry number and those as determined by the Presidential Decree;
- 6-2. The term "biological weapons" means those falling under each of the following items:
- (a) The biological agents or toxins: Provided, That the case where they are used to prevent and treat diseases and for other peaceful purposes shall be excluded; and
 - (b) The equipment and the transport means that are designed to charge and use the biological agents or toxins referred to in item (a);

- 6-3. The term "biological agents" means the materials that are prescribed by the Presidential Decree as being the microorganism or the virus that naturally exist or are made by deforming their genes, which cause the death, withering death, diseases, temporary incapacitation or lasting injuries to humans, animals or plants;
- 6-4. The term "toxins" means the materials that are prescribed by the Presidential Decree, which cause the death, withering death, diseases, temporary incapacitation or lasting injuries to humans, animals or plants from among the materials that are made by organism;
7. The term "manufacture" means the manufacture falling under each of the following items:
- (a) The manufacture of chemicals into other chemicals (including the temporal manufacture thereof) by chemically reacting the former according to the purposes of use; and
 - (b) The manufacture of chemicals by culturing, extracting and synthesizing biological agents or toxins or by modifying the organism that causes toxins and the genes of biological agents;
8. The term "processing" means a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical;
9. The term "consumption" means the conversion into another chemical via a chemical reaction as a result of the use of a chemical;
10. The term "International Organization" means the Organization for the Prohibition of Chemical Weapons established in accordance with Article 8 of the Convention on the Prohibition of Chemical Weapons;
11. The term "international inspection" means an inspection carried out by the Technical Secretariat of the International Organization referred to in the Convention on the Prohibition of Chemical Weapons; and
12. The term "facility agreement" means an agreement concluded on the inspection applicable to a facility subject to an international inspection between the Republic of Korea and the International Organization.

Article 3 Deleted. <by Act No. 7948, Apr. 28, 2006>

Article 4 (Cooperation, etc. with International Organization) (1) The Minister of Foreign Affairs and Trade shall take charge of the cooperation and negotiation affairs with the

International Organization and other State Parties to the Convention, representing the Republic of Korea in the enforcement of the Convention on the Prohibition of Chemical Weapons and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (hereinafter referred to as the "Convention on the Prohibition of Biological Weapons").

[<Amended by Act No. 7948, Apr. 28, 2006>](#)

(2) The Chemical Weapons Convention Policy Council and the Biological Weapons Convention Policy Council may be established under the jurisdiction of the Minister of Foreign Affairs and Trade in order to consider and coordinate important policies relating to the enforcement of the Convention on the Prohibition of Chemical Weapons and the Convention on the Prohibition of Biological Weapons.[<Amended by Act No. 7948, Apr. 28, 2006>](#)

(3) Matters necessary for the functions, organization, operation, etc. of the Chemical Weapons Convention Policy Council and the Biological Weapons Convention Policy Council shall be determined by the Presidential Decree.[<Amended by Act No. 7948, Apr. 28, 2006>](#)

CHAPTER I-2 PROHIBITION ON MANUFACTURE OF CHEMICAL AND BIOLOGICAL WEAPONS, ETC.

Article 4-2 (Obligation to Prohibit Chemical and Biological Weapons) (1) Every person shall be prohibited from developing, manufacturing, acquiring, possessing, stockpiling, transferring, transporting or using the chemical and biological weapons (hereinafter referred to as the "chemical and biological weapons"), and supporting and inducing such prohibited acts.

(2) Every person shall be prohibited from manufacturing, acquiring, possessing, stockpiling, transferring, transporting and using chemicals, biological agents or toxins for the purpose of developing and manufacturing the chemical and biological weapons.

[\[This Article Newly Inserted by Act No. 7948, Apr. 28, 2006\]](#)

CHAPTER II CONTROL OF MANUFACTURE OF CATEGORY 1 CHEMICALS, BIOLOGICAL AGENTS AND TOXINS, ETC.

Article 5 (Permission to Manufacture Category 1 Chemicals) (1) Any person who intends to manufacture category 1 chemicals shall obtain permission therefor from the Minister of Commerce, Industry and Energy according to the requirements and procedures that are

prescribed by the Presidential Decree with respect to the purposes of their manufacture, the manufacture facilities and the manufacture quantity. The same shall apply to a case where he intends to alter the permitted matters: Provided, That if he intends to alter minor matters prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy, he shall report it to the Minister of Commerce, Industry and Energy. <Amended by Act No. 7948, Apr. 28, 2006>

(2) In case where the Minister of Commerce, Industry and Energy intends to grant permission as referred to in paragraph (1), he shall consult with the Minister of Environment in advance when a category 1 chemical requiring permission falls under any of substances subject to harmfulness test referred to in Article 10 (1) of the Toxic Chemicals Control Act.<Amended by Act No. 5454, Dec. 13, 1997; Act No. 7292, Dec. 31, 2004; Act No. 7948, Apr. 28, 2006>

(3) A person who has obtained the permission to manufacture category 1 chemicals (hereinafter referred to as a "permitted manufacturer") pursuant to paragraph (1) shall be deemed to have made an application or passed the harmfulness test of new chemical on that category 1 chemical referred to in Articles 10 (1) and 11 (1) of the Toxic Chemicals Control Act.<Amended by Act No. 5454, Dec. 13, 1997; Act No. 7292, Dec. 31, 2004; Act No. 7948, Apr. 28, 2006>

Article 5-2 (Report on Manufacture of Biological Agents or Toxins) (1) Anyone who intends to manufacture biological agents or toxins (hereinafter referred to as the "biological agents, etc.") shall report beforehand the purposes of their manufacture and the manufacture quantity, etc. to the Minister of Commerce, Industry and Energy. The same shall apply to a case where he intends to change any reported matter.

(2) Necessary matters concerning the contents and procedures, etc. of the report referred to in the provisions of paragraph (1) shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7948, Apr. 28, 2006]

Article 6 (Disqualifications)

Any person who falls under any of the following subparagraphs shall be prohibited from obtaining the permission provided for in the provisions of Article 5 or making the report provided for in the provisions of Article 5-2:<Amended by Act No. 7948, Apr. 28, 2006>

1. A person for whom 3 years have yet to elapse from the date on which his manufacture permission was revoked pursuant to the provisions of Article 8 or he was ordered to shut down his manufacture facilities pursuant to the provisions of Article 8-2;
2. A person who is incompetent or quasi-incompetent;
3. A person who has been adjudicated bankrupt, not yet reinstated;
4. A person who has been sentenced to imprisonment without prison labor or heavier punishment in violation of this Act or an order issued under this Act, and for whom two years have not elapsed after the execution of the sentence is terminated or the non-execution is final and definitive;
5. A person who is under the suspension of punishment sentenced in violation of this Act or an order issued under this Act; or
6. A legal person one officer or more of which fall under one or more of subparagraphs 1 through 5.

Article 6-2 (Recommendation Given to Develop Security and Management Plan, etc.) (1) The Minister of Commerce, Industry and Energy may recommend persons who have each made the report pursuant to the provisions of Article 5-2 (hereinafter referred to as the "reported manufacturer") to develop, submit and implement a security and management plan, including the designation of a protection area, etc. in order to maintain the security of biological agents, etc.

(2) The contents of the security and management plan referred to in the provisions of paragraph (1), the rule for developing the plan and other necessary matters shall be prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy.

[This Article Newly Inserted by Act No. 7948, Apr. 28, 2006]

Article 6-3 (Support, etc. for Development of Security and Management Plan) (1) The Minister of Commerce, Industry and Energy may, when any reported manufacturer intends to develop, submit and implement the security and management plan in compliance with the recommendation provided for in the provisions of Article 6-2 (1), provide necessary support for him.

(2) Persons subject to the support referred to in the provisions of paragraph (1), standards and procedures therefor and other necessary matters shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7948, Apr. 28, 2006]

Article 7 (Secession of Status) (1) In case where any permitted manufacturer or any reported manufacturer dies, or transfers the business or in case where any permitted manufacturer and any reported manufacturer, who are each a juristic person, are merged, the successor, transferee, or legal person who survives merger or is established in consequence of merger shall succeed to the statuses of the permitted manufacturer and the reported manufacturer respectively. <Amended by Act No. 7948, Apr. 28, 2006>

(2) Any person who has succeeded the status of the permitted manufacturer or the reported manufacturer in accordance with paragraph (1) shall report it to the Minister of Commerce, Industry and Energy not later than 30 days from the date of his succession.

<Amended by Act No. 7948, Apr. 28, 2006>

Article 8 (Revocation of Permission to Manufacture Category 1 Chemicals, etc.) (1) The Minister of Commerce, Industry and Energy may, when any permitted manufacturer falls under any of the following subparagraphs, revoke his manufacture permission provided for in the provisions of Article 5 (1) or order him to suspend the whole or part of his manufacturing act (hereafter referred to as the "order given to suspend the manufacture" in this paragraph) for the period of not more than 3 months (hereafter referred to as the "manufacture suspension period" in this paragraph): Provided, That in case where any permitted manufacturer falls under subparagraph 1, 4, 18 or 19, his manufacture permission shall be revoked:

1. When he obtains the manufacture permission provided for in the provisions of the former part of the main sentence of Article 5 (1) by means of false and illegality;
2. When he obtains the change permission and makes the change report provided for in the provisions of the latter part of the main sentence and the proviso of Article 5 (1) by means of false and illegality or he fails to obtain the change permission or to make the change report provided for in the provisions of the latter part of the main sentence and the proviso of the same paragraph;
3. When he fails to fulfill the requirements for the permission provided for in the provisions of Article 5 (1);
4. When he falls under any subparagraph of Article 6;

5. When he fails to make the report provided for in the provisions of Articles 7 (2) and 9 (1);
6. When he fails to dispose of the category 1 chemicals in violation of the provisions of Article 10 (1);
7. When he fails to make the report provided for in the provisions of Article 10 (3) or falsely makes the report;
8. When he disposes of category 1 chemicals in violation of the order given pursuant to the provisions of the former part of Article 10 (4);
9. When he obtains the permission or the change permission provided for in the provisions of Article 11 (1) by means of false and illegal means or fails to obtain the permission or the change permission Provided for in the provisions of the same paragraph;
10. When he fails to make the report provided for in the provisions of Article 11 (2) or falsely makes the report;
11. When he obtains the permission or the change permission provided for in the provisions of Article 12 (1) by means of false and illegal means or fails to obtain the permission or the change permission Provided for in the provisions of the same paragraph;
12. When he fails to make the report provided for in the provisions of Article 12 (2) or falsely makes the report;
13. When he fails to make the report provided for in the provisions of Article 13 (1) or (3) or falsely makes the report;
14. When he rejects, obstructs or evades the international inspection in violation of the provisions of Article 17 (4);
15. When he rejects, obstructs or evades the measure necessary for the administrative supervision in violation of the provisions of Article 18 (2);
16. When he fails to keep, record, maintain or preserve books in violation of the provisions of Article 21 (1) and (2), falsely records them or fails to keep material;
17. When he fails to submit the material provided for in the provisions of Article 21 (3), submits a false material or makes a false answer;
18. When he performs the act of manufacture during the manufacture suspension period;
and

19. When a person who has been ordered twice to suspend his manufacture in the latest year falls under any of subparagraphs 2, 3 and 5 through 17.

(2) In case where any permitted manufacturer falls under any of the following subparagraphs, the Minister of Commerce, Industry and Energy shall not apply the provisions of paragraph (1) for 3 months beginning on the date on which he commences his inheritance or the corporation falls under subparagraph 6 of Article 6:

1. Where the inheritor who succeeded the status of the permitted manufacturer falls under any subparagraph of Article 6; and
2. Where the corporation falls under subparagraph 6 of Article 6.

[This Article Wholly Amended by Act No. 7948, Apr. 28, 2006]

Article 8-2 (Suspension, etc. of Manufacture of Biological Agents, etc.) (1) In case where any reported manufacturer falls under any of the following subparagraphs, the Minister of Commerce, Industry and Energy may order him to suspend the whole or part of his act of manufacture (hereafter referred to as the "order given to suspend the manufacture" in this paragraph) for the period of not more than 3 months (hereafter referred to as the "manufacture suspension period" in this paragraph) or to shut down his manufacture facilities (hereafter referred to as the "order given to shut down the manufacture facilities" in this paragraph): Provided, That in case where he falls under subparagraph 1, 3, 16 or 17, the Minister of Commerce, Industry and Energy shall order him to shut down his manufacture facilities:

1. When he manufactures the biological agents, etc. after making the report provided for in the provisions of the former part of Article 5-2 (1) by means of false and illegal means or without making the report;
2. When he fails to make the change report provided for in the provisions of the latter part of Article 5-2 (1) or falsely makes the change report;
3. When he falls under any subparagraph of Article 6;
4. When he fails to make the report provided for in the provisions of Articles 7 (2) and 9 (1);
5. When he fails to dispose of the biological agents, etc. in violation of the provisions of Article 10 (1);
6. When he fails to make the report provided for in the provisions of Article 10 (3) or falsely makes the report;

7. When he disposes of the biological agents, etc. in violation of the order provided for in the provisions of the former part of Article 10 (4);
 8. When he obtains the permission or the change permission provided for in the provisions of Article 11 (1) by means of false and illegal means or fails to obtain the permission or the change permission Provided for in the provisions of the same paragraph;
 9. When he fails to make the report provided for in the provisions of Article 11 (2) or falsely makes the report;
 10. When he obtains the permission or the change permission provided for in the provisions of Article 12 (1) by means of false and illegal means or fails to obtain the permission or the change permission Provided for in the provisions of the same paragraph;
 11. When he fails to make the report provided for in the provisions of Article 12 (2) or falsely makes the report;
 12. When he fails to make the report provided for in the provisions of Article 13-2 or falsely makes the report;
 13. When he rejects, obstructs and evades the periodical inspection or the occasional inspection provided for in the provisions of Article 18-2;
 14. When he fails to keep, record, maintain or conserve books in violation of the provisions of Article 21 (1) and (2), falsely records the books or fails to conserve the material;
 15. When he fails to submit the material provided for in the provisions of Article 21 (3), falsely submits the material or falsely answers;
 16. When he performs the act of manufacture during the manufacture suspension period; and
 17. When the person who has been ordered twice to suspend his manufacture in the latest year falls under any of subparagraphs 2 and 4 through 15.
- (2) The provisions of Article 8 (2) shall apply mutatis mutandis to the reported manufacturer.

[This Article Newly Inserted by Act No. 7948, Apr. 28, 2006]

Article 9 (Report on Suspension of Manufacture) (1) When any permitted manufacturer or any reported manufacturer intends to discontinue his manufacture of category 1 chemicals or biological agents, etc., he shall make a report thereon in advance to the Minister of

Commerce, Industry and Energy. <Amended by Act No. 7948, Apr. 28, 2006>

(2) When a report is made as referred to in paragraph (1) of this Article, the manufacture permission for category 1 chemicals provided for in the provisions of Article 5 (1) or the report on the manufacture of biological agents, etc. provided for in the provisions of Article 5-2 (1) shall become ineffective. <Amended by Act No. 7948, Apr. 28, 2006>

Article 10 (Abandonment) (1) If any permitted manufacturer or any reported manufacturer falls under any of the following subparagraphs, he shall abandon category 1 chemicals or biological agents, etc. which he retains, not later than 3 months: Provided, That in case of category 1 chemicals falling under subparagraph 3, that part exceeding the permitted quantity of manufacture shall be abandoned: <Amended by Act No. 7948, Apr. 28, 2006>

1. When he is subject to a disposition taken to revoke his permission pursuant to the provisions of Article 8 or to the order given to shut down his manufacture facilities pursuant to the provisions of Article 8-2;

2. When he reports the cessation of the production referred to in Article 9 (1); and

3. When he manufactures category 1 chemicals in excess of the permitted quantity.

(2) A person who is under an obligation to dispose of category 1 chemicals or biological agents, etc. pursuant to paragraph (1) (hereinafter referred to as "person under obligation to abandon") may transfer category 1 chemicals that have been already manufactured to any other permitted manufacturer after obtaining the approval therefor from the Minister of Commerce, Industry and Energy and transfer the chemical agents, etc. that have been already manufactured to any other reported manufacturer after making a report thereon to the Minister of Commerce, Industry and Energy, not later than 3 months from the date on which the circumstances requiring abandonment happens. <Amended by Act No. 7948, Apr. 28, 2006>

(3) A person under the obligation to abandon shall report the types and quantity of category 1 chemicals or the chemical agents, etc. to be disposed of to the Minister of Commerce, Industry and Energy. <Amended by Act No. 7948, Apr. 28, 2006>

(4) The Minister of Commerce, Industry and Energy shall, upon receiving the report provided for in the provisions of paragraph (3), order persons under obligation to abandon to adopt appropriate disposal methods that are not feared to harm the people's health and environment. In this case, the Minister of Commerce, Industry and Energy shall consult

beforehand with the Minister of Environment about disposal methods for the category 1 chemicals and the Minister of Health and Welfare or the Minister of Agriculture and Forestry about disposal methods for the biological agents, etc. <Amended by Act No. 7948, Apr. 28, 2006>

CHAPTER III EXPORT AND IMPORT CONTROL OF SPECIFIC CHEMICALS AND BIOLOGICAL AGENTS, ETC.

Article 11 (Export Control) (1) Any person who intends to export specific chemicals and biological agents, etc. shall obtain permission therefor from the Minister of Commerce, Industry and Energy after fulfilling the requirements that are prescribed by the Presidential Decree with respect to the purpose of their export and the country of their import, etc. The same shall also apply to a case where he intends to alter the permitted matters: Provided, That this shall not apply to a case where he has obtained permission for the export of specific chemicals or biological agents, etc. from the head of the competent administrative agency referred to in Article 21 of the Foreign Trade Act. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 7948, Apr. 28, 2006>

(2) Any person who has obtained the export permission referred to in the provisions of paragraph (1) shall, when he intends to transfer the category 1 chemicals and the biological agents, etc. concerned, make a report thereon in advance to the head of the agency that has granted the export permission under the conditions as prescribed by the Presidential Decree. In this case, when he intends to transfer the category 1 chemicals, he shall make the report on or before 40 days from the date on which he transfers them except a case where the Presidential Decree prescribes otherwise, taking into account the purpose of their export and their export quantity. <Amended by Act No. 7948, Apr. 28, 2006>

(3) The head of the permission-granting agency shall, upon receiving the report referred to in the provisions of paragraph (2), promptly notify the Minister of Foreign Affairs and Trade and the Minister of National Defense of the relevant report. <Newly Inserted by Act No. 7948, Apr. 28, 2006>

Article 12 (Import Control) (1) Any person who intends to import category 1 chemicals or biological agents, etc. shall obtain permission therefor from the Minister of Commerce, Industry and Energy after fulfilling the requirements that are prescribed by the Presidential

Decree with respect to the purpose of their import and the country of their export. The same shall also apply to a case where he intends to alter the permitted matters. <Amended by Act No. 7948, Apr. 28, 2006>

(2) Any person who obtains the import permission pursuant to the provisions of paragraph (1) shall, when he intends to take over the relevant category 1 chemicals or biological agents, etc. concerned, make a report thereon beforehand to the Minister of Commerce, Industry and Energy under the conditions as prescribed by the Presidential Decree. In this case, he shall, when he intends to take over the category 1 chemicals, make a report thereon on or before 40 days from the date on which he takes over them taking into account the purpose of their import and their import quantity except a case where the Presidential Decree prescribes.<Amended by Act No. 7948, Apr. 28, 2006>

(3) The Minister of Commerce, Industry and Energy shall, upon receiving the report referred to in the provisions of paragraph (2), notify without delay the Minister of Foreign Affairs and Trade, the Minister of National Defense and the heads of central administrative agencies concerned of the report.<Newly Inserted by Act No. 7948, Apr. 28, 2006>

(4) With respect to the import permission referred to in paragraph (1), the provisions of Article 5 (2) and (3) shall apply mutatis mutandis.<Amended by Act No. 7948, Apr. 28, 2006>

(5) Category 2 chemicals shall not be imported from states other than State Parties to the Convention on the Prohibition of Chemical Weapons as officially noticed by the Minister of Commerce, Industry and Energy.<Amended by Act No. 7948, Apr. 28, 2006>

CHAPTER IV REPORT ON MANUFACTURE AND HOLDING QUANTITY, ETC. OF SPECIFIC CHEMICALS OR BIOLOGICAL AGENTS, ETC.

Article 13 (Report on Manufacture Quantity, etc. of Specific Chemicals) (1) Any person who manufactures, processes or consumes a specific chemical (in case of category 3 chemicals, it shall be limited to a person who manufactures category 3 chemicals) shall report the plan for the manufacture, holding or consumption and its actual results to the Minister of Commerce, Industry and Energy annually. <Amended by Act No. 7948, Apr. 28, 2006>

(2) Any person who manufactures discrete organic chemicals shall make a report on the result of their manufacture to the Minister of Commerce, Industry and Energy.<Amended by Act No. 7948, Apr. 28, 2006>

(3) A person who exports or imports a specific chemical shall report the result to the Minister of Commerce, Industry and Energy: Provided, That this shall not apply to a person who reports pursuant to the provisions of Articles 11 (2) and 12 (2). <Amended by Act No. 7948, Apr. 28, 2006>

(4) The concrete scope of matters to be reported and the period of report referred to in paragraphs (1) through (3) and other necessary matters shall be determined by the Presidential Decree.

(5) The Minister of Commerce, Industry and Energy, on receiving the report represcribed in paragraphs (1) through (3), shall notify its contents without delay to the Minister of Foreign Affairs and Trade and the head of the competent central administrative agency. <Amended by Act No. 7948, Apr. 28, 2006>

Article 13-2 (Report on Holding Quantity, etc. of Biological Agents, etc.) (1) Any person who holds the biological agents, etc. shall report the quantity of his biological agents, etc. and the details of how he has acquired them, etc. to the Minister of Commerce, Industry and Energy.

(2) Necessary matters concerning the contents of the report and the procedures, etc. for making the report referred to in the provisions of paragraph (1) shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7948, Apr. 28, 2006]

CHAPTER V INTERNATIONAL INSPECTION AND TESTS, ETC.

Article 14 (Conclusion of Facility Agreements) (1) The Minister of Foreign Affairs and Trade shall conclude a facility agreement necessary for facilities subject to international inspection (including certain areas referred to in the Convention on the Prohibition of Chemical Weapons; hereinafter referred to as a "facility subject to inspection") pursuant to the Verification Annex to the Convention on the Prohibition of Chemical Weapons with the International Organization. <Amended by Act No. 7948, Apr. 28, 2006>

(2) When the Minister of Foreign Affairs and Trade intends to conclude a facility agreement in accordance with paragraph (1), he shall consult in advance with the head of the central administrative agency who is charged with facilities subject to inspection (hereinafter referred to as the "competent authority"), and, if deemed necessary, may have a person

who owns or operates facilities subject to inspection (hereinafter referred to as a "person subject to inspection") express his opinion or submit relevant facility specifications, design diagrams, etc. <Amended by Act No. 7948, Apr. 28, 2006>

Article 15 (Measures for International Inspection) (1) When the Minister of Foreign Affairs and Trade has been notified of the inspection plan by the International Organization, he shall notify it without delay to the competent authorities. <Amended by Act No. 7948, Apr. 28, 2006>

(2) The competent authority, on being notified as referred to paragraph (1), shall take measures necessary for the inspection without delay.

(3) The competent authorities may request the head of the administrative agency or local government concerned to cooperate, if deemed necessary to take measures referred to in paragraph (2). In this case, the head of the administrative agency or local government concerned shall comply with such request unless circumstances otherwise require.

Article 16 (Powers, etc. of International Inspection Team) (1) The international inspection team and public officials concerned of the competent authority may investigate relevant documents and books, take samples, take photographs, hear the opinions of facility personnel or exercise other powers referred to in a facility agreement within the area subject to inspection.

(2) A member belonging to the international inspection team (hereinafter referred to as an "inspector") and public officials concerned of the competent authority shall carry certificates indicating their powers and show them to the persons subject to inspection.

Article 17 (Powers of Competent Authorities and Rights, etc. of Persons Subject to Inspection)

(1) At any time of the inspection period, the competent authorities shall exercise the powers and be responsible with respect to international inspection, as representative of the inspected state party, pursuant to the Convention on the Prohibition of Chemical Weapons. <Amended by Act No. 7948, Apr. 28, 2006>

(2) A person subject to inspection may take measures necessary for protecting the facilities, equipment or secret materials, or other information which is not subject to international inspection pursuant to the Convention on the Prohibition of Chemical Weapons before or in the course of the international inspection. <Amended by Act No. 7948, Apr. 28, 2006>

(3) In the process of international inspection, a person subject to inspection may refuse to answer if the contents of questions asked by an inspector are not relevant to the notified purposes of inspection: Provided, That in case the head of the inspection team asks the questions of the same contents in writing again, that person shall submit explanatory materials necessary for refusing answers.

(4) A person subject to inspection shall not refuse, hinder or evade international inspection and shall cooperate for the inspection to be implemented smoothly.

Article 18 (Administrative Supervision) (1) The competent authority may let public officials belonging to them investigate documents and books, take samples, hear opinions of the parties concerned or take measures necessary for conducting the administrative supervision if it is necessary for the enforcement of this Act, an international inspection and the Convention on the Prohibition of Chemical Weapons under the conditions as prescribed by the Presidential Decree within the area subject to inspection. [<Amended by Act No. 7948, Apr. 28, 2006>](#)

(2) A person subject to inspection shall not refuse, hinder or evade the measures referred to in paragraph (1).

(3) The competent authority may request the head of the administrative agency or local government concerned to cooperate, if deemed necessary to exercise the powers referred to in paragraph (1). In this case, the head of the administrative agency or local government concerned shall respond to such request unless circumstances otherwise require.

(4) The public officials concerned of the competent authority who exercise the powers referred to in paragraph (1) shall carry certificates indicating their powers and show them to the person subject to inspection.

Article 18-2 (Periodical and Occasional Inspection) (1) The Minister of Commerce, Industry and Energy may periodically or occasionally inspect the matters falling under each of the following subparagraphs:

1. The manufacture facilities and the current manufacture and the management of biological agents, etc. of reported manufacturers; and
2. The holding and the current management of the biological agents, etc. by persons who are required to make the report thereon pursuant to the provisions of Article 13-2;

(2) The periodical inspection referred to in the provisions of paragraph (1) shall be conducted during the period within the scope of 2 years, which is prescribed by the Presidential Decree.

(3) The Minister of Commerce, Industry and Energy may exempt the whole or part of the periodical inspection for the person falling under each of the following subparagraphs notwithstanding the provisions of paragraphs (1) and (2):

1. The person who has implemented the security and management plan as planned after developing and submitting it pursuant to the provisions of Article 6-2 (1);
2. The person for whom the result of the periodical and occasional inspection has been excellent in the latest 2 years; and
3. Other persons who are designated by the Presidential Decree.

(4) The subjects of, standards for the periodical and occasional inspection provided for in the provisions of paragraph (1) and other necessary matters concerning the inspection shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7948, Apr. 28, 2006]

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 19 (Special Provisions Governing National Research Establishments)

National research establishments (including the government-invested research institutions provided for in the Act on the Establishment, Operation, Fosterage of Government-Invested Research Institutions of Science and Technology) that are prescribed by the Presidential Decree and set up for the purpose of protecting the lives and bodies from chemical and biological weapons may manufacture category 1 chemicals without obtaining the permission for their manufacture provided for in the provisions of Article 5 (1) and biological agents, etc. without making the report thereon provided for in the provisions of Article 5-2 within the limits of the quantity as specified by the Presidential Decree. <

<Amended by Act No. 7948, Apr. 28, 2006>>

Article 19-2 (Support for Research on Tie Chemical and Biological Substances, etc.) (1) The

Government may provide support necessary to revitalize the research, development and propagation of tie chemical and biological substances that make it possible to minimize damage inflicted by specific chemicals or biological agents, etc., which are used to

manufacture chemical and biological weapons, to humans, animals or plants.

(2) The subjects of the support, the standards for the support referred to in the provisions of paragraph (1) and other necessary matters shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7948, Apr. 28, 2006]

Article 20 (Protection of Secrets)

A person who has come to know secrets with respect to the enforcement of this Act, the Convention on the Prohibition of Chemical Weapons and the Convention on the Prohibition of Biological Weapons and the fulfillment of other internationally shared obligations to prohibit and control the chemical and biological weapons shall not use them for other purposes or disclose them. <Amended by Act No. 7948, Apr. 28, 2006>

Article 21 (Keeping, etc. of Books) (1) Every permitted manufacturer, every reported manufacturer and persons who are required to make the report pursuant to the provisions of Articles 13 and 13-2 (hereafter referred to the "persons who are required to keep their books" in this Article) shall keep their books and record the matters falling under each of the following subparagraphs and keep the recorded matters: <Amended by Act No. 7948, Apr. 28, 2006>

1. The manufacture quantity, the processing quantity, the consumption quantity and the export and import quantity of the relevant specific chemicals and discrete organic chemicals;
2. The manufacture quantity and the holding quantity of biological agents, etc.; and
3. Other matters that are prescribed by the Presidential Decree.

(2) The book referred to in paragraph (1) and materials based on international inspection and administrative supervision prescribed in the provisions of Chapter V shall be preserved under the conditions as determined by the Presidential Decree.

(3) The Minister of Commerce, Industry and Energy may, in case where it is deemed necessary to enforce the Convention on the Prohibition of Chemical Weapons and the Convention on the Prohibition of Biological Weapons, ask the persons who are required to keep their books to submit their materials under the conditions as prescribed by the Presidential Decree and get public officials in charge to question the persons who are

required to keep the books and other persons concerned.<Newly Inserted by Act No. 7948, Apr. 28, 2006>

(4) The public officials who question the persons pursuant to the provisions of paragraph (3) shall carry their certificates showing their authority and produce them to persons whom they intend to question.<Newly Inserted by Act No. 7948, Apr. 28, 2006>

Article 22 (Hearing)

In case where the Minister of Commerce, Industry and Energy intends to revoke any permission pursuant to the provisions of Article 8 or order any manufacture facilities shut down pursuant to the provisions of Article 8-2, he hold hearings thereon.

[This Article Wholly Amended by Act No. 7948, Apr. 28, 2006]

Article 23 (Delegation and Entrustment of Powers) (1) The Minister of Commerce, Industry and Energy and the competent authority may delegate part of their authorities stipulated in this Act to the Seoul Special Metropolitan City Mayor, Metropolitan City Mayor or Do governor under the conditions as determined by the Presidential Decree. <Amended by Act No. 7948, Apr. 28, 2006>

(2) The Minister of Commerce, Industry and Energy may commission the work falling under each of the following subparagraphs to any corporation or any organization with the expertise of chemical and biological weapons, which are involved in the chemical industry or the biological industry, under the conditions as prescribed by the Presidential Decree: <Newly Inserted by Act No. 7948, Apr. 28, 2006>

1. The support for developing the security and management plan, etc. provided for in the provisions of Article 6-3;
2. The receipt of the report provided for in the provisions of Article 13; and
3. The receipt of the report provided for in the provisions of Article 13-2.

(3) The Minister of Commerce, Industry and Energy may support all or part of the costs, to the limit required, to any corporation or any organization to which the work referred to in the provisions of paragraph (2) is commissioned.<Amended by Act No. 7948, Apr. 28, 2006>

(4) The Minister or Commerce, Industry and Energy and the competent authority may order the delegated or entrusted head of the local government or corporation or organization to make a report if it is deemed necessary pursuant to the provisions of

paragraphs (1) and (2).<Amended by Act No. 7948, Apr. 28, 2006>

Article 24 (Assumption of Public Officials in Application of Penal Provisions)

The officers and employees of the corporation or organization who are engaged in the affairs entrusted pursuant Article 23 shall be deemed public officials in the application of the penal provisions in the Criminal Act or other Acts.<Amended by Act No. 7948, Apr. 28, 2006>

CHAPTER VII PENAL PROVISIONS

Article 25 (Penal Provisions) (1) Any person who develops, manufactures, acquires, holds, stockpiles, transfers, transports or uses chemical and biological weapons or assists or induces any other person to do so in violation of Article 4-2 (1) shall be punished by life imprisonment, imprisonment for not less than 5 years or a fine not exceeding 100 million won. <Amended by Act No. 7948, Apr. 28, 2006>

(2) Any person who causes harm to human life, body or property or disturbs the public peace through the use of chemical and biological weapons shall be punished by death penalty, life imprisonment or imprisonment for not less than 7 years.<Amended by Act No. 7948, Apr. 28, 2006>

(3) Any person who is guilty of attempting the offense referred to in the provisions of paragraphs (1) and (2) shall be punished.<Newly Inserted by Act No. 7948, Apr. 28, 2006>

Article 26 (Penal Provisions) (1) A person who falls under one of the following subparagraphs shall be punished by imprisonment for not more than 7 years or fine not exceeding 30 million won: <Amended by Act No. 7948, Apr. 28, 2006>

1. A person who manufactures, acquires, holds, stockpiles, transfers, transports or uses the chemicals or the biological agents, etc. in violation of the provisions of Article 4-2 (2);
2. A person who manufactures category 1 chemicals without obtaining the permission referred to in Article 5 (1);
3. A person who refuses, hinders or evades an international inspection referred to in Article 17 (4); and
4. A person who uses for other purposes or disclose the secrets in violation of Article 20.

(2) Any person who is guilty of attempting the offense referred to in the provisions of paragraphs (1) 1 shall be punished.<Newly Inserted by Act No. 7948, Apr. 28, 2006>

Article 27 (Penal Provisions)

A person who falls under one of the subparagraphs shall be punished by imprisonment for not more than 5 years or a fine not exceeding 20 million won:<Amended by Act No. 7948, Apr. 28, 2006>

1. A person who manufactures the biological agents, etc. without making a report thereon provided for in the provisions of the former part of Article 5-2 (1);
2. A person who fails to abandon category 1 chemicals or biological agents, etc. in violation of Article 10 (1);
3. A person who exports or imports specific chemicals or biological agents, etc. in violation of the provisions of Article 11 (1), or 12 (1) or (5); and
4. A person who refuses, hinders or evades the measures necessary for administrative supervision in accordance with Article 18 (2).

Article 28 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than 2 years or a fine exceeding 10 million won:<Amended by Act No. 7948, Apr. 28, 2006>

1. A person who fails to report as referred to in the proviso of Article 5 (1) or report falsely;
- 1-2. A person who fails to make a change report provided for in the provisions of the latter part of Article 5-2 (1) or falsely makes a change report;
2. A person who fails to report as referred to in Article 10 (3) or reports falsely or a person who abandons category 1 chemicals or biological agents, etc. in violation of an order referred to in the provisions of the former part of paragraph (4) of the same Article;
3. A person who fails to report as referred to in Article 11 (2) or 12 (2) or reports falsely;
4. A person who fails to report as referred to in Article 13 or 13-2 or falsely reports;
- 4-2. A person who rejects, obstructs and evades the periodical inspection or the occasional inspection provided for in the provisions of Article 18-2; and
5. A person who fails to keep, maintain, preserve books or keeps falsely them or a person who fails to preserve materials in violation of Article 21 (1) and (2).

Article 29 (Joint Penal Provisions)

If the representative of a legal person or an agent, servant or other employee of a legal person or individual commits an offense referred to Articles 25 (1) (including any person who is guilty of attempting the offense referred to in the provisions of paragraphs (3) of the same Article) and 26 through 28 with respect to the affairs of such legal person or individual, a fine enumerated in each relevant Article shall be imposed on such legal person or individual in addition to punishing the offender.<Amended by Act No. 7948, Apr. 28, 2006>

Article 30 (Fine for Negligence) (1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence exceeding 10 million won:

<Amended by Act No. 7948, Apr. 28, 2006>

1. A person who fails to report as referred to in Article 7 (2);
2. A person who fails to report as referred to in Article 9 (1); and
3. A person who fails to submit a statement detailing the relevant facilities and a design drawing, etc. in violation of the provisions of Article 14 (2) or submits false material.

(2) A person who fails to submit the material provided for in the provisions of Article 21 (3), submits the false material or falsely answers questions shall be punished by a fine for negligence not exceeding 5 million won.<Newly Inserted by Act No. 7948, Apr. 28, 2006>

(3) A fine for negligence referred to in paragraphs (1) and (2) shall be imposed and collected by the Minister of Commerce, Industry and Energy or the Minister of Foreign Affairs and Trade under the conditions as determined by the Presidential Decree.<Amended by Act No. 7948, Apr. 28, 2006>

(4) A person who has grievance at the disposition of the fine for negligence referred to in paragraph (3) may make an objection to the Minister of Commerce, Industry and Energy or the Minister of Foreign Affairs and Trade within 30 days from the date on which he receives the notice of the disposition.<Amended by Act No. 7948, Apr. 28, 2006>

(5) If a person who has been subject to the disposition of the fine for negligence referred to in paragraph (3) makes an objection under paragraph (4), the Minister of Commerce, Industry and Energy or the Minister of Foreign Affairs and Trade shall notify it without delay to the competent court, which should, then, bring the matter relating to the same fine for negligence before the trial court under the Non-Contentious Case Litigation Procedure Act.<Amended by Act No. 7948, Apr. 28, 2006>

(6) If no objection is made or no fine for negligence is paid within the period referred to in paragraph (4), the amount of that fine shall be collected, following the case of the disposition on default of national taxes.<Amended by Act No. 7948, Apr. 28, 2006>