

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State:
Date of Report:
Date of Addendum 1:
Date of Addendum 2:

Republic of Korea
27 October 2004
26 September 2005
14 December 2007

| Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ? | YES | if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc) | Remarks (information refers to the page of the English version of the report or an official web site) |
|---|-----|---|--|
| 1 General statement on non-possession of WMD | | | |
| 2 General statement on commitment to disarmament and non-proliferation | | | |
| 3 General statement on non-provision of WMD and related materials to non-State actors | X | Does not and will not provide any form of support to non-State actors | |
| 4 Biological Weapons Convention (BWC) | X | In force 25 June 1987 | |
| 5 Chemical Weapons Convention (CWC) | X | In force 28 April 1997 | |
| 6 Nuclear Non-Proliferation Treaty (NPT) | X | In force 23 April 1975 | |

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 and 1673. They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations

| | | | | |
|----|---|---|---|--|
| 7 | Comprehensive Nuclear Test Ban Treaty (CTBT) | X | Ratified 24 September 1999 | |
| 8 | Convention on Physical Protection of Nuclear Material (CPPNM) | X | In force 08 February 1987 | |
| 9 | Hague Code of Conduct (HCOC) | X | Subscribed 25 November 2002 | |
| 10 | Geneva Protocol of 1925 | X | Deposit 04 January 1989 | |
| 11 | International Atomic Energy Agency (IAEA) | X | Joined 08 August 1957 | |
| 12 | Nuclear Weapons Free Zone/ Protocol(s) | | | |
| 13 | Other Conventions/Treaties | X | <p>1. The Republic of Korea has adopted most international counter-terrorism conventions, including the International Convention for the Suppression of Terrorist Bombings (deposit 17 February 2004), the International Convention on the Suppression of Acts of Terrorist Financing (deposit 17 February 2004).</p> <p>2. It has signed the International Convention for Suppression of Acts of Nuclear Terrorism (16 September 2005).</p> <p>3. Partial Nuclear Test Ban Treaty (PTBT) deposited in force 24 July 1964</p> | |
| 14 | Other Arrangements | X | <p>1. Nuclear Suppliers Group (NSG)</p> <p>2. Zangger Committee (ZC)</p> <p>3. Australia Group (AG)</p> <p>4. Wassenaar Arrangement (WA)</p> <p>5. Missile Technology Control Regime (MTCR)</p> <p>6. Financial Action Task Force and Asia Pacific Group</p> <p>7. World Customs Organization</p> | |
| 15 | Other | | | |

OP 2 - Biological Weapons (BW)

State:
Date of Report:
Date of Addendum 1:
Date of Addendum 2:

Republic of Korea
27 October 2004
26 September 2005
14 December 2007

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties and others | | Remarks |
|---|--------------------------|---|--|--|---------|
| | YES | if YES, indicate source document of national implementation law | YES | if YES, indicate source document | |
| 1 manufacture/produce | X | Act on the Prohibition of Chemical and Biological Weapons and the Control of the Production, Export, and Import of Specific Chemicals and Biological Agents (CBWPA) of 2006 specifically adds BW and addresses 1540 obligations, and "including all actions of support or solicitation" | X | CBWPA 2006 penalties for violations of the prohibitions include a maximum penalty of a life sentence, minimum five years or 100 million won | |
| 2 acquire | X | | | | |
| 3 possess | X | | | | |
| 4 stockpile/store | X | | | | |
| 5 develop | X | | | | |
| 6 transport | X | | | | |
| 7 transfer | X | | | | |
| 8 use | X | | X | 1. Criminal Code, as amended 2005, article 30 (accessories aid and abet) and article 261 (use of special violence) 2. CBWPA 2006 penal provisions | |
| 9 participate as an accomplice in a.m. activities | X | | X | | |
| 10 assist in a.m. activities | X | | X | | |
| 11 finance a.m. activities | X | 1. Financial Transaction Reports Act, as amended December 2007, article 2 with a new definition of terrorist financing to align with the convention 2. Proceeds of Crime Act 3. CBWPA 2006 (all forms of support) | X | 1. Financial Transaction Reports Act, as amended 2007, article 3 creates the Financial Intelligence Unit (FIU) and articles 13-17, penalties with the amendment strengthening article 17 2. Proceeds of Crime Acts 3. Member FATF and Asia Pacific Group on Money Laundering | |

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|----|--|---|--|---|--|--|
| 12 | a.m. activities related to means of delivery | X | 1. Biological and Toxin Weapons Convention through article 6 of the Constitution 2. Possibly CBWPA 2006 | ? | CBWPA 2006, penal provisions | |
| 13 | involvement of non-State actors in a.m. activities | X | 1. Biological and Toxin Weapons Convention through article 6 of the Constitution 2. CBWPA 2006 | X | 1. Criminal Code as amended 2005 2. CBWPA 2006 penal provisions | |
| 14 | Other | X | Constitution, Article 6: Incorporates international law as domestic law upon ratification | | | |

OP 2 - Chemical Weapons (CW)

State:
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Republic of Korea
 27 October 2004
 26 September 2005
 14 December 2007

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties and others | | Remarks |
|---|--------------------------|---|--|----------------------------------|---------|
| | YES | if YES, indicate source document of national implementation law | YES | if YES, indicate source document | |
| 1 manufacture/produce | X | Act on the Control of the Production, Export, Import, etc. of Specific Chemicals for the Prohibition of Chemical Weapons (ACSC) 1997, article 3 | X | ACSC 1997, articles 25-30 | |
| 2 acquire | X | 1. Chemical Weapons Convention through article 6 of the Constitution 2. Possibly the Act on the Prohibition of Chemical and Biological Weapons and the Control of the Production, Export, and Import of Specific Chemicals and Biological Agents (CBWPA) of 2006 | ? | CBWPA 2006, penal provisions | |
| 3 possess | X | ACSC 1997, article 3 | X | ACSC 1997, articles 25-30 | |
| 4 stockpile/store | X | | X | | |
| 5 develop | X | | X | | |
| 6 transport | ? | CBWPA 2006 | ? | CBWPA 2006, penal provisions | |
| 7 transfer | X | | X | | |

| | | | | | | |
|----|--|---|--|---|---|--|
| 8 | use | X | ACSC 1997, article 3 | X | ACSC 1997, articles 25-30 | |
| 9 | participate as an accomplice in a.m. activities | X | | X | | |
| 10 | assist in a.m. activities | X | | X | | |
| 11 | finance a.m. activities | X | 1. Financial Transaction Reports Act, as amended December 2007, article 2 with a new definition of terrorist financing to align with the convention 2. Proceeds of Crime Acts | X | 1. Financial Transaction Reports Act, as amended 2007, article 3 creates the Financial Intelligence Unit (FIU) and articles 13-17, penalties with the amendment strengthening article 17 2. Proceeds of Crime Acts | |
| 12 | a.m. activities related to means of delivery | ? | CBWPA 2006 | ? | CBWPA 2006, penal provisions | |
| 13 | involvement of non-State actors in a.m. activities | X | ACSC 1997, article 3 | X | ACSC 1997, articles 25-30 | |
| 14 | Other | X | Constitution, Article 6: Incorporates international law as domestic law upon ratification | | | |

OP 2 - Nuclear Weapons (NW)

State:
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Date of Addendum 2:

Republic of Korea
27 October 2004
26 September 2005
14 December 2007

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties and others | | Remarks |
|---|---|--------------------------|--|--|---|---------|
| | | YES | if YES, indicate source document of national implementation law | YES | if YES, indicate source document | |
| 1 | manufacture/produce | X | Firearms, Swords and Explosives Control Act (FKECA) 1961, as last amended 2008 | X | 1. Atomic Energy Act 1982, as amended 2008, articles 114-121 2. Act for the Physical Protection and Radiological Emergency 3. Criminal Code 4. FKECA. All these Acts are penalized by these laws | |
| 2 | acquire | X | | X | | |
| 3 | possess | X | | X | | |
| 4 | stockpile/store | X | | X | | |
| 5 | develop | X | | X | | |
| 6 | transport | X | | X | | |
| 7 | transfer | X | | X | | |
| 8 | use | X | | X | | |
| 9 | participate as an accomplice in a.m. activities | ? | Criminal Act | X | Criminal Code, as amended 2005, article 30 (accessories aid and abet) and article 261 (use of special violence) | |
| 10 | assist in a.m. activities | ? | Criminal Act | X | | |

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|----|--|---|--|---|--|--|
| 11 | finance a.m. activities | X | <p>1. Act on Prohibition against the Financing of Terrorism 21 December 2007, as amended 29 February 2008, Article 2</p> <p>2. Financial Transaction Reports Act, as amended December 2007, Article 2</p> <p>3. Proceeds of Crime Acts</p> | X | <p>1. Act on Prohibition against the Financing of Terrorism 21 December 2007, as amended 29 February 2008, Articles 5 and 7</p> <p>2. Financial Transaction Reports Act, as amended 2007, Articles 2-4 (reporting), 13-17 (penalties with 17 strengthened by the amendment)</p> <p>3. Proceeds of Crime Acts</p> | |
| 12 | a.m. activities related to means of delivery | X | Act on Special Measures for Defense Industry | X | Criminal Code | |
| 13 | involvement of non-State actors in a.m. activities | X | Act on Special Measures for Defense Industry | X | Criminal Code | |
| 14 | Other | X | <p>1. Constitution, Article 6: Incorporates international law as domestic law upon ratification</p> <p>2. ROK is planning more stringent restrictions on the assisting and financing of the nuclear proliferation-related activities</p> | | | |

OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State:
Date of Report:
Date of Addendum 1:
Date of Addendum 2:

Republic of Korea
27 October 2004
26 September 2005
14 December 2007

| Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ? | <u>National legal framework</u> | | <u>Enforcement: civil/criminal penalties, and others</u> | | Remarks |
|---|---------------------------------|--|--|--|---------|
| | YES | if YES, indicate source document | YES | if YES, indicate source document | |
| 1 Measures to account for production | X | Act on the Prohibition of Chemical and Biological Weapons and the Control of the Production, Export, and Import of Specific Chemicals and Biological Agents (CBWPA) of 2006, article 5 | X | 1. CBWPA 2006, articles 2 and 8 bis (Inspections and Suspension of production or closure of facility) and penal provisions 2. Electronic Tracking System both for CBWPA and Plant Quarantine Act implementation 3. Presidential Decree of the CBWPA: annual report of production, consumption, processing of Scheduled Chemicals, administrative supervision such as inspection, inventory check, etc., record-keeping for 5 years | |
| 2 Measures to account for use | X | CBWPA 2006, Article 13 | X | | |
| 3 Measures to account for storage | X | 1. Act on the Prevention of Infectious Diseases amended in July 2007 to include pathogens and related requirements 2. January 2006 amendment to the Enforcement Ordinance and Enforcement Regulation for safety management covers safekeeping, separation, transportation, and exposal of pathogens | X | 1. Electronic Tracking System both for CBWPA and Plant Quarantine Act implementation 2. Must provide annual status report on storage to the Korean Center for Disease Control | |
| 4 Measures to account for transport | X | | X | | |

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|----|--|---|--|---|---|--|
| 5 | Other measures for accounting | X | Act on the Prevention of Contagious Diseases (APCD) | X | 1. Ministry of Health and Welfare (MOHW) Ordinance No. 2001-25 sets guidelines on separation, storage, transportation, etc. of contagious pathogens 2. The APCD requires reporting if pathogens of contagious diseases are separated | |
| 6 | Measures to secure production | X | CBWPA 2006, Article 6: Submit security management plan reports | X | 1. Electronic Tracking System both for CBWPA and Plant Quarantine Act implementation 2. Laboratory Safety Guidelines | |
| 7 | Measures to secure use | X | | X | | |
| 8 | Measures to secure storage | ? | CBWPA 2006 | ? | 1. Must provide annual status report on storage to the Korean Center for Disease Control 2. Possibly CBWPA 2006, penal provisions | |
| 9 | Measures to secure transport | ? | | ? | Possibly CBWPA 2006, penal provisions | |
| 10 | Other measures for securing | | | X | The Korean Center for Disease Control advises entities which reported the separation of a contagious pathogen on the safety management and storage of the pathogen. | |
| 11 | Regulations for physical protection of facilities/materials/transports | ? | Act on the Management of Military Supplies (AMMS) | ? | Presidential Decree of AMMS | |
| 12 | Licensing/registration of facilities/persons handling biological materials | X | Pharmaceutical Affairs Act (PAA) | X | The Korean Food and Drug Administration has the licensing authority under the PAA and its Enforcement Regulations - Regulations on Management of Manufacturing and Sale of Biological Products | |
| 13 | Reliability check of personnel | ? | CBWPA | ? | Penal provisions in CBWPA: Maximum penalty is life sentence | |

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|----|---|---|--|---|---|--|
| 14 | Measures to account for/secure/physically protect means of delivery | X | 1. Aerospace Development Promotion Act 2009, articles 8, 11 and 21 2. Act on the Management of Military Supplies (AMMS) | X | 1. Aerospace Development Promotion Act 2009, articles 27-29 2. Presidential Decree of the AMMS | |
| 15 | Regulations for genetic engineering work | X | 1. Act on the Transborder Movement of LMO of 2001 2. Enforcement Ordinance, September 2005 | X | 1. Genetic Recombination Guidelines created in 2007 2. Enforcement Regulations issued in March 2006 3. Ministry of Health and Welfare Notification No. 1997-22 lays out guidelines for research involving recombinant organisms | |
| 16 | Other legislation/ regulations related to safety and security of biological materials | ? | CBWPA 2006 | ? | Provisions in CBWPA, related Presidential Decree and Enforcement Rule stipulate duties and procedures for safety and security of biological materials and enforcement measures such as imprisonment, fine, administrative sanction, sanction on a legal person, etc | |
| 17 | Other | | | ? | Regarding LMOs, a Combined Notification for all related organizations and agencies is being drawn up, with a planned enactment date set for January 2008. | |

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State:
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Republic of Korea
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26 September 2005
14 December 2007

| Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties, and others | | Remarks |
|--|------------------------------------|--------------------------|---|---|--|---------|
| | | YES | if YES, indicate source document | YES | if YES, indicate source document | |
| 1 | Measures to account for production | X | 1. Act on the Prohibition of Chemical and Biological Weapons and the Control of the Production, Export, and Import of Specific Chemicals and Biological Agents (CBWPA) of 2006), articles 5-10, 13 and 21 2. Presidential Decree of the ACSC: annual report of production, consumption, processing of Scheduled Chemicals, administrative supervision such as inspection, inventory check, etc., record-keeping for 5 years 3. CBWPA? | X | 1. ACSC 1997, articles 14-18 and 25-30 2. Possibly CBWBA 2006, penal provisions | |
| 2 | Measures to account for use | X | | X | | |
| 3 | Measures to account for storage | X | | X | | |
| 4 | Measures to account for transport | X | | X | | |
| 5 | Other measures for accounting | X | Toxic Chemicals Control Act: Report on production and import | | | |
| 6 | Measures to secure production | X | 1. ACSC 1997, articles 5-10, 13 and 21 2. Toxic Chemicals Control Act as amended 2007, articles 5 and 23 | X | 1. ACSC 1997, articles 14-18 and 25-30 2. Toxic Chemicals Control Act as amended 2007, articles 57-63 | |
| 7 | Measures to secure use | X | | X | | |
| 8 | Measures to secure storage | X | | X | | |
| 9 | Measures to secure transport | X | Toxic Chemicals Control Act as amended 2007, articles 5 and 24 | | Toxic Chemicals Control Act as amended 2007, articles 57-63 | |

| | | | | | |
|----|---|---|--|---|--|
| 10 | Other measures for securing | X | Dangerous Materials Control Act: safety standard, reliability check of personnel, inspection | | |
| 11 | Regulations for physical protection of facilities/materials/ transports | X | Act on the Management of Military Supplies (AMMS) | X | Presidential Decree of the AMMS |
| 12 | Licensing of chemical installations/entities/use of materials | X | ACSC 1997 for chemicals included in CWC Schedule 1 | X | 1. ACSC 1997, articles 14-18 and 25-30 2. Presidential Decree of the ACSC |
| 13 | Reliability check of personnel | X | Dangerous Materials Control Act: reliability check of personnel | ? | CBWPA provides for disqualifications of persons who will handle chemicals |
| 14 | Measures to account for/secure/ physically protect means of delivery | X | 1. Aerospace Development Promotion Act 2009, articles 8, 11 and 21 2. Act on the Management of Military Supplies (AMMS) | X | 1. Aerospace Development Promotion Act 2009, articles 27-29 2. Presidential Decree of the AMMS |
| 15 | National CWC authority | X | ACSC 1997, Article 4 | X | Ministry of Foreign Affairs and Trade |
| 16 | Reporting Schedule I, II and III chemicals to OPCW | X | 1. Reporting requirements for all chemicals included in CWC Schedules 2. Possibly CBWPA 2006 | X | 1. ACSC 1997, articles 14-18 and 25-30 2. Presidential Decree of the ACSC |
| 17 | Account for, secure or physically protect old chemical weapons | X | Act on the Control of Firearms, Swords, Explosives, etc. (FKECA) 1961, as last amended 2008, article 73 | ? | Presidential Decree of the ACSC |
| 18 | Other legislation/ regulations controlling chemical materials | X | Toxic Chemicals Control Act | | |
| 19 | Other | | | ? | Provisions in CBWPA, related to Presidential Decree and Enforcement Rule stipulate duties and procedures |

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State:
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Date of Addendum 2:

Republic of Korea
27 October 2004
26 September 2005
14 December 2007

| Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties, and others | | Remarks |
|---|--------------------------|--|---|--|---------|
| | YES | if YES, indicate source document | YES | if YES, indicate source document | |
| 1 Measures to account for production | X | 1. Atomic Energy Act 1982, as amended 2008 2. Act for the Physical Protection and Radiological Emergency May 2003 / Enforcement Decree / Enforcement Regulation 3. Inspective Regulation on Accountancy and Security of Specific Atomic Substances | X | 1. Atomic Energy Act 1982, as amended 2008, articles 114-121 2. Act for the Physical Protection and Radiological Emergency May 2003 | |
| 2 Measures to account for use | X | | X | | |
| 3 Measures to account for storage | X | | X | | |
| 4 Measures to account for transport | X | | X | | |
| 5 Other measures for accounting | X | | X | | |
| 6 Measures to secure production | X | 1. Atomic Energy Act 1982, as amended 2008 2. Act for the Physical Protection and Radiological Emergency May 2003 / Enforcement Decree / Enforcement Regulation 3. Inspective Regulation on Accountancy and Security of Specific Atomic Substances | X | 1. Atomic Energy Act 1982, as amended 2008, articles 114-121 2. Act for the Physical Protection and Radiological Emergency May 2003 | |
| 7 Measures to secure use | X | | X | | |
| 8 Measures to secure storage | X | | X | | |
| 9 Measures to secure transport | X | | X | | |
| 10 Other measures for securing | | | | | |

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|----|---|---|--|---|---|--|
| 11 | Regulations for physical protection of facilities/materials/ transports | X | 1. Atomic Energy Act 1982, as amended 2008 2. Act for the Physical Protection and Radiological Emergency May 2003 / Enforcement Decree / Enforcement Regulation 3. Inspective Regulation on Accountancy and Security of Specific Atomic Substances | X | 1. Atomic Energy Act 1982, as amended 2008, articles 114-121 2. Act for the Physical Protection and Radiological Emergency May 2003 | |
| 12 | Licensing of nuclear installations/entities/use of materials | X | | X | | |
| 13 | Reliability check of personnel | | | | | |
| 14 | Measures to account for/secure/ physically protect means of delivery | X | 1. Aerospace Development Promotion Act 2009, articles 8, 11 and 21 2. Act on the Management of Military Supplies (AMMS) | X | 1. Aerospace Development Promotion Act 2009, articles 27-29 2. Act on Special Measures for Defense Industry (DAP) | |
| 15 | National regulatory authority | X | Atomic Energy Act 1982, as amended 2008 | X | 1. National Nuclear Management and Control Agency (NNCA) 2. MOST is in charge of national regulation of NW related materials and technologies. KINAC (Korea Institute of Non-proliferation and Control) has been established to ensure compliance with international treaties. | |
| 16 | IAEA Safeguards Agreements | X | 1. Safeguards Agreement 1975 2. Additional Protocol ratified | X | 1. Safeguards Agreement 1975 2. Additional Protocol ratified | |
| 17 | IAEA Code of Conduct on Safety and Security of Radioactive Sources | X | Notification pursuant to GC(47)/RES/7.B | X | The Director, Radiation Protection Department, Ministry of Health is the POC for the Code of Conduct | |

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|----|--|---|----------------|---|--|--|
| 18 | IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources | X | Joined in 1998 | X | Continues to contribute to the Database Programme as of 2009 | |
| 19 | Other Agreements related to IAEA | | | | | |
| 20 | Additional national legislation/regulations related to nuclear materials including CPPNM | | | | | |
| 21 | Other | | | | | |

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of BW including Related Materials**

State:
Date of Report:
Date of Addendum 1:
Date of Addendum 2:

Republic of Korea
27 October 2004
26 September 2005
14 December 2007

| | Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|---|--|--------------------------|--|--|--|---------|
| | | YES | if YES, indicate source document | YES | if YES, indicate source document | |
| 1 | Border control | X | 1. Customs Act 1949, as amended through 2010, articles 134-153 and 236-245 2. Foreign Trade Act 1986, as amended 2007, articles 5 and 14 3. "Notification on the Designation of Goods Subject to Customs Verification of Clearance Requirements and Verification Methods Pursuant of the Provisions of Article 226 of the Customs Act" have applied to all biological agents as of June 2007 | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Customs Act 1949, as amended through 2010, articles 173 and 246-282 3. Commissioner of the Customs to inspect and supervise importation and exportation of certain items | |
| 2 | Technical support of border control measures | X | 1. Enforcement Decree of the Foreign Trade Act, Article 30 authorizes a computerized management system 2. Customs Act 1949, as amended through 2010, Article 327 | X | 1. Cargo Selectivity Risk Management System 2. Single Window Platform 3. Customs Act 1949, as amended through 2010, articles 173 and 246-282 | |

| | | | | | | |
|----|--|---|--|---|--|--|
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | X | Foreign Trade Act 1986, as amended in 2007, article 21: covers brokering | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Customs Act 1949, as amended through 2010, articles 173 and 246-282 | |
| 4 | Enforcement agencies/authorities | X | Customs Act 1949, as amended through 2010, articles 134-153 and 236-245 | X | 1. Korea Customs Service, Ministry of Strategy and Finance 2. National police, maritime police, immigration authorities | |
| 5 | Export control legislation in place | X | 1. Foreign Trade Act 1986, as amended 2007, articles 21 (strategic trade)-22 (plant exports) 2. Integrated Public Notice on Export/Import of Strategic Items 3. CBWPA 2006, article 11 | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60: strengthened penalties in January 2007 2. These laws are supplemented by Presidential Decree and Enforcement Rule 3. CBWPA 2006, penal provisions | |
| 6 | Licensing provisions | X | 1. CBWPA 2006, article 11: Export Authorization required 2. Integrated Public Notice on Export/Import of Strategic Items | X | 1. CBWPA 2006, article 11 and penal provisions 2. Integrated Public Notice on Export/Import of Strategic Items 3. All licensing provisions are already in effect, but general licensing is given only to trusted compliant traders | |
| 7 | Individual licensing | X | Integrated Public Notice on Export/Import of Strategic Items, clause 26 for exemption reporting | X | 1. Integrated Public Notice on Export/Import of Strategic Items 2. Exceptions exclude Australia Group items | |
| 8 | General licensing | X | | X | | |
| 9 | Exceptions from licensing | X | | X | | |
| 10 | Licensing of deemed export/visa | | | | | |

| | | | | | |
|----|---------------------------------|---|---|---|--|
| 11 | National licensing authority | X | <ol style="list-style-type: none"> 1. Foreign Trade Act 1986, as amended 2007, article 21 2. Technology Development Promotion Act | X | <p>Ministry of Knowledge Economy (MKE) for BW-related goods and technologies</p> <p>Ministry of Unification (MOU) for trade between ROK and DPRK</p> <p>Defense Acquisition Program Administration (DAPA) for defence articles</p> |
| 12 | Interagency review for licenses | X | <ol style="list-style-type: none"> 1. Integrated Public Notice on Export/Import of Strategic Items, Article 15 2. Foreign Trade Act 1986, as amended 2007, article 21: MKE and administrative agencies concerned 3. CBWPA 2006 | X | <ol style="list-style-type: none"> 1. Integrated Public Notice on Export/Import of Strategic Items, Article 15 2. Export control related authorities have power to convene interagency consultation when necessary. Ministry of Foreign Affairs and Trade (MOFAT) holds additional interagency consultation on regular basis 3. BWC Policy Council is established under MOFAT to consider and coordinate important policies relating to the implementation of BWC |
| 13 | Control lists | X | Foreign Trade Act 1986, as amended 2007, article 15: public notices on restricted items | X | <ol style="list-style-type: none"> 1. Integrated Public Notice incorporates the control items under AG, penalty clause included 2. Listed items linked with Harmonized Commodity Description and Coding 3. ROK is constructing a new export/import management system including the launch of System Strategic Trade Information Center (STIC) |
| 14 | Updating of lists | X | Integrated Public Notice on Export/Import of Strategic Items | X | <ol style="list-style-type: none"> 1. The ROK Government updates the lists on a semi-annual basis 2. Integrated Notification of the Import and Export of Strategic Items revised to regulate 104 types of biological items in April 2007 |

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|----|--------------------------------|---|--|---|--|--|
| 15 | Inclusion of technologies | X | <ul style="list-style-type: none"> 1. Technology Development and Promotion Act 2. Foreign Trade Act 1986, as amended 2007 3. Integrated Public Notice on Export/Import of Strategic Items | X | <ul style="list-style-type: none"> 1. The Technology Development Promotion Act and the Combined Notice define strategic technologies broadly as those regulated by international export control regimes 2. MKE defines the scope of the controls | |
| 16 | Inclusion of means of delivery | X | <ul style="list-style-type: none"> 1. Foreign Trade Act 1986, as amended 2007 2. Act on Special Measures for Defense Industry 3. Act on the Management of Military Supplies | X | <ul style="list-style-type: none"> Integrated Public Notice on Export/Import of Strategic Items includes MTCR items, and has a penalty clause | |
| 17 | End-user controls | X | <ul style="list-style-type: none"> 1. Foreign Trade Act 1986, as amended 2007 2. Integrated Public Notice on Export/Import of Strategic Items | X | <ul style="list-style-type: none"> 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Integrated Public Notice on Export/Import of Strategic Items | |
| 18 | Catch all clause | X | <ul style="list-style-type: none"> Integrated Public Notice on Export/Import of Strategic Items, Annex Table 7 | X | <ul style="list-style-type: none"> Integrated Public Notice on Export/Import of Strategic Items has had a catch-all clause since 2003 | |

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|----|---|---|--|---|--|--|
| 19 | Intangible transfers | X | Foreign Trade Act 1986, as amended 2007 establishes the concept of electronic trade to address trade implemented in whole or in part by means of information or communications networks | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Customs Act 1949, as amended through 2010, articles 173 and 246-282 | |
| 20 | Transit control | X | 1. Customs Act 1949, as amended through 2010, article 141 | X | | |
| 21 | Trans-shipment control | X | 2. Foreign Trade Act 1986, as amended 2007, article 21 | X | | |
| 22 | Re-export control | X | Integrated Public Notice on Export/Import of Strategic Items, Annex Table 2 | X | Integrated Public Notice on Export/Import of Strategic Items | |
| 23 | Control of providing funds | ? | CBWPA 2006, Criminal Act | ? | Penal provisions in CBWPA and Criminal Act regulate providing funds | |
| 24 | Control of providing transport services | ? | CBWPA 2006, Criminal Act | ? | Transportation of BW is prohibited by CBWPA and regulated by criminal and administrative sanctions | |
| 25 | Control of importation | X | 1. Foreign Trade Act 1986, as amended 2007 2. Integrated Public Notice on Export/Import of Strategic Items 3. CBWPA 2006, Article 12: Import Authorization required all items save those requiring authorization under the Act on Prevention of Contagious Diseases for Animals and the Plant Protection Act | X | Foreign Trade Act 1986, as amended 2007, articles 54-60 | |
| 26 | Extraterritorial applicability | ? | Penal provisions of FTA, DAP Act, CBWPA and TDPA | ? | All penal provisions are extraterritorially applicable | |
| 27 | Other | X | Customs Act 1949 amendments in 2008 and 2009 established a framework for an Authorized Economic Operator (AEO) system | X | 1. Issued Guidelines for companies for Internal Compliance Programs for strategic trade controls 2. ROK Government constructed and operates on-line strategic items management system | |

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of CW including Related Materials**

State:
Date of Report:
Date of Addendum 1:
Date of Addendum 2:

Republic of Korea
27 October 2004
26 September 2005
14 December 2007

| | Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|---|--|--------------------------|--|--|--|---------|
| | | YES | if YES, indicate source document | YES | if YES, indicate source document | |
| 1 | Border control | X | 1. Customs Act 1949, as amended through 2010, articles 134-153 and 236-245 2. Foreign Trade Act 1986, as amended 2007, articles 5 and 14 3. "Notification on the Designation of Goods Subject to Customs Verification of Clearance Requirements and Verification Methods Pursuant of the Provisions of Article 226 of the Customs Act" have applied to all biological agents as of June 2007 | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Customs Act 1949, as amended through 2010, articles 173 and 246-282 3. Commissioner of the Customs to inspect and supervise importation and exportation of certain items | |
| 2 | Technical support of border control measures | X | 1. Enforcement Decree of the Foreign Trade Act, Article 30 authorizes a computerized management system 2. Customs Act 1949, as amended through 2010, Article 327 | X | 1. Cargo Selectivity Risk Management System 2. Single Window Platform 3. Customs Act 1949, as amended through 2010, articles 173 and 246-282 | |
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | X | Foreign Trade Act 1986, as amended in 2007, article 21: covers brokering | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Customs Act 1949, as amended through 2010, articles 173 and 246-282 | |
| 4 | Enforcement agencies/authorities | X | Customs Act 1949, as amended through 2010, articles 134-153 and 236-245 | X | 1. Korea Customs Service, Ministry of Strategy and Finance 2. National police, maritime police, immigration authorities | |

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|----|-------------------------------------|---|---|---|--|--|
| 5 | Export control legislation in place | X | <ol style="list-style-type: none"> 1. Foreign Trade Act 1986, as amended 2007, articles 21 (strategic trade)-22 (plant exports) 2. Integrated Public Notice on Export/Import of Strategic Items 3. CBWPA 2006, article 11 | X | <ol style="list-style-type: none"> 1. Foreign Trade Act 1986, as amended 2007, articles 54-60: strengthened penalties in January 2007 2. These laws are supplemented by Presidential Decree and Enforcement Rule 3. CBWPA 2006, penal provisions | |
| 6 | Licensing provisions | X | <ol style="list-style-type: none"> 1. CBWPA 2006, article 11: Export Authorization required 2. Integrated Public Notice on Export/Import of Strategic Items | X | <ol style="list-style-type: none"> 1. CBWPA 2006, article 11 and penal provisions 2. Integrated Public Notice on Export/Import of Strategic Items 3. All licensing provisions are already in effect, but general licensing is given only to trusted compliant traders | |
| 7 | Individual licensing | X | Integrated Public Notice on Export/Import of Strategic Items, clause 26 for exemption reporting | X | <ol style="list-style-type: none"> 1. Integrated Public Notice on Export/Import of Strategic Items 2. Exceptions exclude Australia Group and CWC items | |
| 8 | General licensing | X | | X | | |
| 9 | Exceptions from licensing | X | | X | | |
| 10 | Licensing of deemed export/visa | | | | | |
| 11 | National licensing authority | X | <ol style="list-style-type: none"> 1. Foreign Trade Act 1986, as amended 2007, article 21 2. Technology Development Promotion Act 3. CBWPA 2006 | X | <p>MKE in charge of CW-related goods MEST in charge of CW-related technology MOU in charge of trade between ROK and DPRK DAPA in charge of defence articles</p> | |
| 12 | Interagency review for licenses | X | <ol style="list-style-type: none"> 1. Integrated Public Notice on Export/Import of Strategic Items, Article 15 2. Foreign Trade Act 1986, as amended 2007, article 21: MKE and administrative agencies concerned 3. CBWPA 2006 | X | <ol style="list-style-type: none"> 1. Export control authorities have power to convene inter-agency consultation when necessary. Ministry of Foreign Affairs and Trade (MOFAT) consultation on a regular basis. 2. CWC Policy Council established under MOFAT considers and coordinates important policy relating to the implementation of CWC | |

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| 13 | Control lists | X | Foreign Trade Act 1986, as amended 2007, article 15: public notices on restricted items | X | 1. Integrated Public Notice incorporates the control items under the AG, penalty clause included 2. Listed items linked with Harmonized Commodity Description and Coding 3. ROK is constructing a new export/import management system including the launch of System Strategic Trade Information Center (STIC) |
| 14 | Updating of lists | X | Integrated Public Notice on Export/Import of Strategic Items | X | The ROK Government updates the lists on a semi-annual basis |
| 15 | Inclusion of technologies | X | 1. Technology Development and Promotion Act 1972, as amended 2. Foreign Trade Act 1986, as amended 2007 3. Integrated Public Notice on Export/Import of Strategic Items | X | 1. The Technology Development Promotion Act 1972, as amended, and the Combined Notice define strategic technologies broadly as those regulated by international export control regimes 2. MKE defines the scope of the controls |
| 16 | Inclusion of means of delivery | X | 1. Foreign Trade Act 1986, as amended 2007 2. Act on Special Measures for Defense Industry 3. Act on the Management of Military Supplies | X | Integrated Public Notice on Export/Import of Strategic Items includes MTCR items, and has a penalty clause |
| 17 | End-user controls | X | 1. Foreign Trade Act 1986, as amended 2007 2. Integrated Public Notice on Export/Import of Strategic Items | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Integrated Public Notice on Export/Import of Strategic Items |
| 18 | Catch all clause | X | Integrated Public Notice on Export/Import of Strategic Items, Annex Table 7 | X | Integrated Public Notice on Export/Import of Strategic Items has had a catch-all clause since 2003 |

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|----|----------------------|---|---|---|---|--|
| 19 | Intangible transfers | X | Foreign Trade Act 1986, as amended 2007 establishes the concept of electronic trade to address trade implemented in whole or in part by means of information or | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Customs Act 1916, article 11 | |
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| 20 | Transit control | X | 1. Customs Act 1949, as amended through 2010, article 141 | X | 2. Customs Act 1949, as amended through 2010, articles 173 and 246-282 |
| 21 | Trans-shipment control | X | 2. Foreign Trade Act 1986, as amended 2007, article 21 | X | |
| 22 | Re-export control | X | Integrated Public Notice on Export/Import of Strategic Items, Annex Table 2 | X | Integrated Public Notice on Export/Import of Strategic Items |
| 23 | Control of providing funds | ? | CBWPA 2006, Criminal Act | ? | Penal provisions in CBWPA and Criminal Act regulate providing funds |
| 24 | Control of providing transport services | ? | CBWPA 2006, Criminal Act | ? | Transportation of BW is prohibited by CBWPA and regulated by criminal and administrative sanctions |
| 25 | Control of importation | X | 1. Foreign Trade Act 1986, as amended 2007 2. Integrated Public Notice on Export/Import of Strategic Items | X | Foreign Trade Act 1986, as amended 2007, articles 54-60 |
| 26 | Extraterritorial applicability | ? | Penal provisions of FTA, DAP Act, CBWPA and TDPA | ? | All penal provisions are extraterritorially applicable |
| 27 | Other | X | Customs Act 1949 amendments in 2008 and 2009 established a framework for an Authorized Economic Operator (AEO) system | X | 1. Issued Guidelines for companies for Internal Compliance Programs for strategic trade controls 2. ROK Government constructed and operates on-line strategic items management system |

**OP 3 (c) and (d) and related matters from OP 6, and OP 10 -
Controls of NW including Related Materials**

State:
Date of Report:
Date of Addendum 1:
Date of Addendum 2:

Republic of Korea
27 October 2004
26 September 2005
14 December 2007

| Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|--|--------------------------|--|--|--|---------|
| | YES | if YES, indicate source document | YES | if YES, indicate source document | |
| 1 Border control | X | 1. Customs Act 1949, as amended through 2010, articles 134-153 and 236-245 2. Foreign Trade Act 1986, as amended 2007, articles 5 and 14 3. "Notification on the Designation of Goods Subject to Customs Verification of Clearance Requirements and Verification Methods Pursuant of the Provisions of Article 226 of the Customs Act" have applied to all biological agents as of June 2007 | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Customs Act 1949, as amended through 2010, articles 173 and 246-282 3. Commissioner of the Customs to inspect and supervise importation and exportation of certain items | |
| 2 Technical support of border control measures | X | 1. Enforcement Decree of the Foreign Trade Act, Article 30 authorizes a computerized management system 2. Customs Act 1949, as amended through 2010, Article 327 | X | 1. Cargo Selectivity Risk Management System 2. Single Window Platform 3. Customs Act 1949, as amended through 2010, articles 173 and 246-282 | |

| | | | | | | |
|----|--|---|---|---|--|--|
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | X | Foreign Trade Act 1986, as amended in 2007, article 21: covers brokering | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Customs Act 1949, as amended through 2010, articles 173 and 246-282 | |
| 4 | Enforcement agencies/authorities | X | Customs Act 1949, as amended through 2010, articles 134-153 and 236-245 | X | 1. Korea Customs Service, Ministry of Strategy and Finance 2. National police, maritime police, immigration authorities | |
| 5 | Export control legislation in place | X | 1. Foreign Trade Act 1986, as amended 2007 2. Technology Development Promotion Act 1972, as amended 3. Atomic Energy Act 1982, as amended 2008 4. Integrated Public Notice on Export/Import of Strategic Items | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Technology Development and Promotion Act 3. Atomic Energy Act 4. Integrated Public Notice on Export/Import of Strategic Items | |
| 6 | Licensing provisions | X | Integrated Public Notice on Export/Import of Strategic Items, clause 26 for exemption reporting | X | 1. Integrated Public Notice on Export/Import of Strategic Items 2. All licensing provisions are already in effect, but general licensing is given only to trusted compliant traders | |
| 7 | Individual licensing | X | | X | 1. Integrated Public Notice on Export/Import of Strategic Items 2. Exceptions exclude NSG items | |
| 8 | General licensing | X | | X | | |
| 9 | Exceptions from licensing | X | | X | | |
| 10 | Licensing of deemed export/visa | | | | | |
| 11 | National licensing authority | X | 1. Atomic Energy Act 1982, as amended 2008 2. Foreign Trade Act 1986, as amended 2007, article 21 3. Technology Development Promotion Act 1972, as amended | X | MKE for NSG dual-use items and for technologies MEST for NSG Trigger List items MOU in charge of trade between ROK and DPRK DAPA in charge of defence articles | |

| | | | | | | |
|----|---------------------------------|---|---|---|---|--|
| 12 | Interagency review for licenses | X | <p>1. Integrated Public Notice on Export/Import of Strategic Items, Article 15</p> <p>2. Foreign Trade Act 1986, as amended 2007, article 21: MKE and administrative agencies concerned</p> | X | Export control authorities have power to convene inter-agency consultation when necessary. Ministry of Foreign Affairs and Trade (MOFAT) consultaion on a regulare basis. | |
| 13 | Control lists | X | Foreign Trade Act 1986, as amended 2007, article 15: public notices on restriced items | X | <p>1. Integrated Public Notice incorporate the control items under NSG, and includes a penalty clause</p> <p>2. Listed items linked with Harmonized Commodity Description and Coding</p> <p>3. ROK is constructing a new export/import management system including the launch of System Strategic Trade Information Center (STIC)</p> | |
| 14 | Updating of lists | X | Integrated Public Notice on Export/Import of Strategic Items | X | The ROK Government updates the lists on a semi-annual basis | |
| 15 | Inclusion of technologies | X | <p>1. Technology Development Promotion Act 1972, as amended</p> <p>2. Foreign Trade Act 1986, as amended 2007</p> <p>3. Integrated Public Notice on Export/Import of Strategic Items</p> | X | <p>1. The Technology Development Promotion Act 1972, as amended, and the Combined Notice define strategic technologies broadly as those regulated by international export control regimes</p> <p>2. MKE defines the scope of the controls</p> | |

| | | | | | | |
|----|--------------------------------|---|---|---|--|--|
| 16 | Inclusion of means of delivery | X | 1. Foreign Trade Act 1986, as amended 2007 2. Act on Special Measures for Defense Industry 3. Act on the Management of Military Supplies | X | Integrated Public Notice on Export/Import of Strategic Items includes MTCR items, and has a penalty clause | |
| 17 | End-user controls | X | 1. Foreign Trade Act 1986, as amended 2007 2. Integrated Public Notice on Export/Import of Strategic Items | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Integrated Public Notice on Export/Import of Strategic Items | |
| 18 | Catch all clause | X | Integrated Public Notice on Export/Import of Strategic Items, Annex Table 7 | X | Integrated Public Notice on Export/Import of Strategic Items has had a catch-all clause since 2003 | |
| 19 | Intangible transfers | X | Foreign Trade Act 1986, as amended 2007 establishes the concept of electronic trade to address trade implemented in whole or in part by means of information or communications networks | X | 1. Foreign Trade Act 1986, as amended 2007, articles 54-60 2. Customs Act 1949, as amended through 2010, articles 173 and 246-282 | |
| 20 | Transit control | X | 1. Customs Act 1949, as amended through 2010, article 141 | X | | |
| 21 | Trans-shipment control | X | 2. Foreign Trade Act 1986, as amended 2007, article 21 | X | | |
| 22 | Re-export control | X | Integrated Public Notice on Export/Import of Strategic Items, Annex Table 2 | X | Integrated Public Notice on Export/Import of Strategic Items | |

| | | | | | |
|----|---|---|---|---|--|
| 23 | Control of providing funds | | | | |
| 24 | Control of providing transport services | | | | |
| 25 | Control of importation | X | 1. Foreign Trade Act 1986, as amended 2007 2. Integrated Public Notice on Export/Import of Strategic Items | X | Foreign Trade Act 1986, as amended 2007, articles 54-60 |
| 26 | Extraterritorial applicability | ? | Penal provisions of FTA, DAP Act, CBWPA and TDPA | ? | All penal provisions are extraterritorially applicable |
| 27 | Other | X | Customs Act 1949 amendments in 2008 and 2009 established a framework for an Authorized Economic Operator (AEO) system | X | 1. Issued Guidelines for companies for Internal Compliance Programs for strategic trade controls 2. ROK Government constructed and operates on-line strategic items management system |

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State:
 Date of Report:
 Date of Addendum 1:
 Date of Addendum 2:

Republic of Korea
 27 October 2004
 26 September 2005
 14 December 2007

| Can information be provided on the following issues ? | | YES | | Remarks |
|---|--|-----|--|---------|
| 1 | Control lists - items (goods/equipment/materials/technologies) | X | Government reflects the control items under NSG, ZC, AG, MTCR and WA in national legislation and maintains and updates lists of controlled items for the sake of effective export controls | |
| 2 | Control lists - other | X | List items linked with Harmonized Commodity Description and Coding System | |
| 3 | Assistance offered | X | We dispatch instructors to countries where we are invited to come | |
| 4 | Assistance requested | | | |
| 5 | Assistance in place (bilateral/plurilateral/multilateral) | | | |
| 6 | Information for industry | X | 1. Government held conferences to explain export control system for strategic items to relevant enterprises and organizations and cohosted a seminar with the Korean Bioindustry Association 2. Has an on-line Strategic Trade Information System for processing license applications, hosting on-line training, and other efforts to reach industry and the public 3. The Korea Center for Disease Control and Prevention (KCDC) conducts training programs. The KCDC provides the "Biological Safety Management Course" for researchers in non-governmental institutes and the "Laboratory Biological Safety Course" for researchers in government agencies. The KCDC also publishes the Biological Safety Newsletter and provides consultation services on the installation and management of air-tight research facilities. 4. Government held conferences to explain export control system for strategic items to relevant enterprises and organizations and cohosted a seminar with the Korean Bioindustry Association 5. Reorganized the Strategic Trade Information Center into the Korean Strategic Trade Institute in June 2007, which operates the on-line YesTrade system for item classification and other assistance | |
| 7 | Information for the public | X | Government continues to raise public awareness of the obligations set out in the international non-proliferation arrangements through seminars and news coverage | |