

REPUBLIC OF KOREA
PERMANENT MISSION TO THE UNITED NATIONS

OFFICE OF THE AMBASSADOR

14 December 2007

H.E. Ambassador Peter Burian
Chairman of the Security Council Committee
Established pursuant to resolution 1540 (2004)
United Nations
New York, NY 10017

Excellency,

With regard to Your Excellency's letter No. S/AC.44/2007/ODA/OC.49, dated 17 October 2007, I have the honour to enclose herewith up-to-date information on the implementation of Security Council resolution 1540 by the Government of the Republic of Korea, presented according to the matrix provided by the Committee. I hope that this information helps the Committee to prepare its report to the Security Council.

I have the further honour to inform you that the Government of the Republic of Korea has agreed to allow its matrix to be posted as a public document on the Committee's website.

Let me take this opportunity to commend your able leadership and accomplishment as Chair of the Committee in implementing its mandate.

Please accept, Excellency, the assurances of my highest consideration.


KIM Hyun Chong
Permanent Representative

Enclosed: as stated

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

State: Republic of Korea

Date of Report: 27 October 2004

Date of Addendum 1: 26 September 2005

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 of WMD and related materials to non-State actors	<input checked="" type="checkbox"/>	Does not and will not provide any form of support to non-State actors	page 2 of the report
4 Biological Weapons Convention (BWC)	<input checked="" type="checkbox"/>	In force 25 June 1987	pages 7 to 9 of the report page 2 of Addendum 1
5 Chemical Weapons Convention (CWC)	<input checked="" type="checkbox"/>	In force 28 April 1997	pages 7 to 9 of the report page 2 of Addendum 1
6 Nuclear Non-Proliferation Treaty (NPT)	<input checked="" type="checkbox"/>	In force 23 April 1975	pages 7 to 9 of the report page 2 of Addendum 1

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	page 8 of the report page 2 of Addendum 1
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	In force 08 February 1987	http://www.iaea.org/Publications/Documents/Conventions/cpp
9	Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002	http://www.minbuza.nl/default.asp?CMS_ITEM=858DD6DAE6BE4DF2ABABD1FE0A25AB3CX3X45455X99
10	Geneva Protocol of 1925	X	Deposit 04 January 1989	http://disarmament.un.org:8080/TreatyStatus.nsf
11	International Atomic Energy Agency (IAEA)	X	Joined 08 August 1957	pages 7 and 9 of the report page 2 of Addendum 1
12	Nuclear Weapons Free Zone/ Protocol(s)			
13	Other Conventions/Treaties	X	Partial Nuclear Test Ban Treaty (PTBT) in force 24 July 1964	
14	Other Arrangements	X	<ol style="list-style-type: none"> 1. Nuclear Suppliers Group (NSG) 2. Zangger Committee (ZC) 3. Australia Group (AG) 4. Wassenaar Arrangement (WA) 5. Missile Technology Control Regime (MTCR) 	pages 5 and 6 of the report
15	Other			

OP 2 - Biological Weapons (BW)

State: Republic of Korea

Date of Report: 27 October 2004

Date of Addendum 1: 26 September 2005

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	ACCB(Act on the Control of the Production, Export, Import, etc. of	X	Penal provisions in ACCB : Maximum penalty is life sentence	
2 acquire	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	
3 possess	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	
4 stockpile/store	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	
5 develop	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	
6 transport	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	
7 transfer	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	
8 use	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	
9 participate as an accomplice in a.m. activities	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is death penalty	page 4 of Addendum 1
10 assist in a.m. activities	X	ACCB	X	Penal provisions in ACCB, Criminal Act	page 4 of Addendum 1
11 finance a.m. activities	X	1. Financial Transaction Reports Act	X	Penal provisions in ACCB, Criminal Act	page 4 of Addendum 1
12 a.m. activities related to means of delivery	X	2. Proceeds of Crime Acts	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Acts	page 5 of Addendum 1
13 involvement of non-State actors in a.m. activities	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is death penalty	page 5 of Addendum 1
14 Other					

OP 2 - Chemical Weapons (CW)

State: **Republic of Korea**
 Date of Report: 27 October 2004
 Date of Addendum 1: 26 September 2005

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	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	page 6 of Addendum 1 http://152.99.45.21/lawwdb/men/w/kor/
2 acquire	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	
3 possess	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	page 6 of Addendum 1
4 stockpile/store	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	page 6 of Addendum 1
5 develop	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	page 6 of Addendum 1
6 transport	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	
7 transfer	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is life sentence	
8 use	X	ACCB	X	penalty is life sentence Penal provisions in ACCB : Maximum penalty is death penalty	
9 participate as an accomplice in a.m. activities	X	ACCB, Crminal Act	X	Penal provisions in ACCB, Crminal Act	
10 assist in a.m. activities	X	ACCB, Crminal Act	X	Penal provisions in ACCB, Crminal Act	
11 finance a.m. activities	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Acts	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Acts	page 6 of Addendum 1
12 a.m. activities related to means of delivery	X	ACCB	X	Penal provision in ACCB	page 7 of Addendum 1

13	involvement of non-State actors in a.m. activities	X	ACCB	X	Penal provisions in ACCB : Maximum penalty is death penalty
14	Other				

OP 2 - Nuclear Weapons (NW)

State: **Republic of Korea**

Date of Report: 27 October 2004

Date of Addendum 1: 26 September 2005

	Does national legislation exist which prohibits persons or entities to engage in one of the following	National legal framework if YES, indicate source document of national implementation law		Enforcement: civil/criminal penalties if YES, indicate source document		Remarks
		YES		YES		
1	manufacture/produce	X		X	1. Atomic Energy Act	page 3 of the report page 8 of Addendum 1
2	acquire	X		X	2. Act for the Physical Protection and Radiological Emergency	
3	possess	X		X	3. Criminal Act	
4	stockpile/store	X	Firearms, Knives and Explosives Control Act (FKECA)	X	4. FKECA. All these acts are penalized by these laws.	
5	develop	X		X	1. Atomic Energy Act 2. Act for the Physical Protection and Radiological Emergency	page 8 of Addendum 1
6	transport	X		X	3. Criminal Act	
7	transfer	X		X	4. FKECA All these acts are penalized by these laws.	page 3 of the report page 9 of Addendum 1
8	use	X		X		page 3 of the report page 9 of Addendum 1
9	participate as an accomplice in a.m. activities	X	Criminal Act	X	Criminal Act	page 3 of the report page 9 of Addendum 1

10	assist in a.m. activities	X	Criminal Act	X	Criminal Act	X	Criminal Act	page 9 of Addendum 1
11	finance a.m. activities	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Acts	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Acts	X	1. Financial Transaction Reports Act 2. Proceeds of Crime Acts	page 9 of Addendum 1
12	a.m. activities related to means of delivery	X	Defense Acquisition Programme Act (DAP Act)	X	Penal provisions in DAP Act	X	Penal provisions in DAP Act	page 9 of Addendum 1
13	involvement of non-State actors in a.m. activities	X	above-mentioned Laws	X	Penal provisions in the above-mentioned Laws	X	Penal provisions in the above-mentioned Laws	page 9 of Addendum 1
14	Other						page 4 of the report page 9 of Addendum 1	

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

State: **Republic of Korea**
Date of Report: 27 October 2004
Date of Addendum 1: 26 September 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise	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	ACCB	X	Presidential Decree of the ACCB:	
2 Measures to account for use	X	ACCB	X	annual report of production, consumption, processing of Scheduled Chemicals,	
3 Measures to account for storage	X	ACCB	X	administrative supervision such as inspection, inventory check, etc.,	
4 Measures to account for transport	X	ACCB	X	record-keeping for 5 years	
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	page 10 of Addendum 1
6 Measures to secure production	X		X	Penal provision in ACCB & Presidential Decree	

7	Measures to secure use	X	ACCB	X	Penal provision in ACCB & Presidential Decree	page 4 of the report
8	Measures to secure storage	X		X	Penal provision in ACCB & Presidential Decree	pages 5 and 6 of the report
9	Measures to secure transport	X	ACCB	X	Penal provision in ACCB & Presidential Decree	
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.	page 11 of Addendum 1
11	Regulations for physical protection of facilities/materials/ transports	X	Act on the Management of Military Supplies (AMMS)	X	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	X	ACCB	X	Disqualifications are listed in ACCB such as a person who has records of violation of ACCB.
14	Measures to account for/secure/physically protect means of delivery	X	AMMS	X	Presidential Decree of AMMS
15	Regulations for genetic engineering work	X	Act on the Transborder Movement of LMO	X	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	X	ACCB	X	Provisions in ACCB, 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				

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

State: **Republic of Korea**
Date of Report: **27 October 2004**
Date of Addendum 1: **26 September 2005**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials?	National legal framework		Enforcement: civil/criminal penalties, and others	Remarks
	YES	if YES, indicate source document		
1 Measures to account for production	X		X	Presidential Decree of the ACCB: 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	ACCB	X	page 13 of Addendum 1
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 of production and import				page 13 of Addendum 1
6	Measures to secure production	X		X	Penal provision in ACCB & Presidential Decree		
7	Measures to secure use	X	ACCB	X	Penal provision in ACCB & Presidential Decree		
8	Measures to secure storage	X		X	Penal provision in ACCB & Presidential Decree		
9	Measures to secure transport	X	ACCB	X	Penal provision in ACCB & Presidential Decree		
10	Other measures for securing	X	Dangerous Material, reliability check of personnel, inspection				page 14 of Addendum 1
11	Regulations for physical protection of facilities/materials/ transports	X	AMMS	X	Presidential Decree of the AMMS		page 5 of the report page 14 of Addendum 1
12	Licensing of chemical installations/entities/Use of materials	X	Chemicals included in CWC Schedule 1	X	Presidential Decree of the ACSC		page 4 of the report page 14 of Addendum 1
13	Reliability check of personnel	X	Dangerous Materials Control Act: reliability check of personnel &	X	ACCB provides for Disqualifications for persons who will handle chemicals		page 14 of Addendum 1
14	Measures to account for/secure/ physically protect means of delivery	X	AMMS	X	Presidential Decree of AMMS		page 5 of the report page 14 of Addendum 1

15	National CWC authority	X	Ministry of Foreign Affairs and Trade			page 14 of Addendum 1
16	Reporting Schedule I, II and III chemicals to OPCW	X	ACCB	X	Presidential Decree of the ACSC	page 4 of the report page 14 of Addendum 1
17	Account for, secure or physically protect old chemical weapons	X	ACCB	X	Presidential Decree of the ACSC	
18	Other legislation/ regulations controlling chemical materials	X	Toxic Chemicals Control Act		Provisions in ACCB, related Presidential Decree and Enforcement Rule stipulate duties and procedures	page 14 of Addendum 1
19	Other					

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

State: **Republic of Korea**

Date of Report: 27 October 2004

Date of Addendum 1: 26 September 2005

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 2. Act for the Physical Protection and Radiological Emergency / Enforcement Decree / Enforcement Regulation	X	Act for the Physical Protection and Radiological Emergency	page 4 of the report page 15 of Addendum 1
2 Measures to account for use	X	3. Inspective Regulation on Accountancy and Security of Atomic Energy Act	X	Act for the Physical Protection and Radiological Emergency	
3 Measures to account for storage	X	2. Act for the Physical Protection and Radiological Emergency / Enforcement Decree / Enforcement Regulation	X	Act for the Physical Protection and Radiological Emergency	page 15 of Addendum 1
4 Measures to account for transport	X	1. Atomic Energy Act	X		
5 Other measures for accounting	X		X		
6 Measures to secure production	X		X		

7	Measures to secure use	X	2. Act for the Physical Protection and Radiological Emergency / Enforcement Decree / Enforcement Regulation 3. Inspective Regulation on	X	Act for the Physical Protection and Radiological Emergency	page 4 of the report page 15 of Addendum 1
8	Measures to secure storage	X		X		
9	Measures to secure transport	X		X		
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	1. Atomic Energy Act 2. Act for the Physical Protection and	X	Act for the Physical Protection and Radiological Emergency	page 4 of the report page 16 of Addendum 1
12	Licensing of nuclear installations/entities/use of materials	X	1. Atomic Energy Act 2. Act for the Physical Protection	X	Act for the Physical Protection and Radiological Emergency	page 16 of Addendum 1
13	Reliability check of personnel					
14	Measures to account for/secure/physically protect means of delivery	X	AMMS	X	DAP Act MOSI is in charge of national regulation of NW-related materials and technologies. KINAC(Korea Institute of Nuclear Measurement)	page 5 of the report page 16 of Addendum 1
15	National regulatory authority	X	Atomic Energy Act	X		page 4 of the report
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement 1975 2. Additional Protocol ratified			pages 5, 8 and 9 of the report

17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Expressed support to IAEA DG	http://www-ns.iaea.org/downloads/nw/meetings/code-conduct-iaea-traffic.pdf
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to Database Programme	http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html
19	Other Agreements related to IAEA 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: **Republic of Korea**
Date of Report: **27 October 2004**
Date of Addendum 1: **26 September 2005**

	Which of the following legislation, procedures, measures, agencies exist to control border crossings,	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc if YES, indicate source document	Remarks
		YES	if YES, indicate source document		
1	Border control	X	Customs Act	X	Commissioner of the Customs to inspect and supervise importation and
2	Technical support of border control measures				page 5 of the report
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	FTA, DAP Act, TDPA in progress of amendment	X	These laws contain penal provision and administrative sanctions on violators.
4	Enforcement agencies/authorities	X	Customs Act	X	Customs, police, maritime police, immigration authorities
5	Export control legislation in place	X	FTA, ACCB, TDPA	X	These laws are supplemented by Presidential Decree and Enforcement Rule.
6	Licensing provisions	X		X	All licensing provisions are already in effect
7	Individual licensing	X		X	Individual licensing is in effect
8	General licensing	X	FTA, DAP Act, TDPA	X	General Licensing is in effect. But general Licensing is given only to Trusted Compliant Traders

9	Exceptions from licensing	X		X	Exceptions are applied only in very clear and limited conditions	pages 18 and 20 of Addendum 1
10	Licensing of deemed export/visa					
11	National licensing authority	X	MOCIE, MOST, MOU, DAPA		MOCIE in charge of CWV-related goods MOST in charge of CWV-related technology MOU in charge of trade between ROK and DPRK DAPA in charge of defense articles	page 6 of the report page 18 of Addendum 1
12	Interagency review for licenses	X	1.FTA 2.ACCB		1. Export control related authorities have power convene interagency consultation when necessary. Ministry of Foreign Affairs and Trade(MOFAT) holds additional interagency consultation on regular basis. 2. BWC Policy Council is established under MOFAT to consider and coordinate important policies relating to the implementation of BWC.	page 6 of the report page 18 of Addendum 1
13	Control lists	X	FTA, TDPA, DAP Act, ACCB (Integrated Public Notice on	X	Integrated Public Notice on Export/Import of Strategic Items	pages 5 to 7 of the report pages 18 and 20 of
14	Updating of lists	X	FTA, TDPA, DAP Act, ACCB (Integrated Public Notice on Export/Import of Strategic Items)	X	ROK Government updates the list on a semiannual basis	page 7 of the report
15	Inclusion of technologies	X	1. Technology Development Promotion Act 2. Foreign Trade Act 3. Integrated Public Notice on Export/Import of Strategic Items	X	1. Technology Development Promotion Act 2. Foreign Trade Act 3. Integrated Public Notice on Export/Import of Strategic Items These laws are enforced with criminal and administrative sanctions including sanctions on a legal person. Technical and detailed issues are contained in relevant Presidential Decree, Enforcement Rule, and Integrated Public Notice.	page 18 of Addendum 1
16	Inclusion of means of delivery	X	FTA, TDPA, DAP Act, ACCB, (Integrated Public Notice on Export/Import of Strategic Items)	X		pages 5 to 7 of the report page 18 of Addendum 1
17	End-user controls	X	1. Foreign Trade Act 2. TDPA	X	We refer to Denial Persons List in Licensing Process. If something	page 5 of the report page 19 of Addendum 1

18	Catch all clause	X	FTA, TDPA in progress of amendment	X	Catch-all clause in FTA is enforced with criminal penalty,	page 5 of the report page 18 of Addendum 1
19	Intangible transfers	X	1. ITT is contained in TDPA in progress of amendment.	X	TDPA is in a progress of amendment to include ITT. ITT	
20	Transit control	X	2. Transit and Transshipment are regulated by FTA in effect	X	Transit and Transshipment may be stopped and susicious cargoes can	
21	Tran-shipment control	X		X	Transit and Transshipment may be stopped and susicious cargoes can	
22	Re-export control	X	FTA	X	The end-user certificate form stipulates that the importer shall	page 19 of Addendum 1
23	Control of providing funds	X	ACCB, Criminal Act	X	Penal provisions in ACCB and Criminal Act regulate providing funds.	
24	Control of providing transport services	X	ACCB	X	Transportation of BW is prohibited by ACCB and regulated by criminal and administrative sanctions.	
25	Control of importation	X	1. Foreign Trade Act 2. Integrated Public Notice on		Importers shall report to the ROK Government that they import	page 5 of the report page 19 of Addendum 1
26	Extraterritorial applicability	X	Penal provisions of FTA, DAP Act, ACCB and TDPA	X	All penal provisions are extraterritorially applicable	
27	Other	X	FTA	X	ROK Government constructed and operates on-line strategic items	page 6 of the report page 20 of Addendum 1

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

State: **Republic of Korea**

Date of Report: 27 October 2004

Date of Addendum 1: 26 September 2005

	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	Customs Act	X	Commissioner of the Customs to inspect and supervise importation and exportation of certain items	page 5 of the report
2	Technical support of border control measures					
3	Control of brokering, trading in, negotiating, otherwise assisting in	X	FTA, DAP Act, TDPA in amendment	X	These laws contain penal provisions and administrative	page 5 of the report pages 21 and 24 of
4	Enforcement agencies/authorities	X	Customs Act	X	Customs, police, maritime police, immigration authorities	page 5 of the report
5	Export control legislation in place	X	FTA, ACCB, TDPA	X	These laws are supplemented by Presidential Decree and Enforcement Rule.	page 5 of the report page 21 of Addendum 1
6	Licensing provisions	X		X	All licensing provisions are already in effect	page 22 of Addendum 1
7	Individual licensing	X		X	Individual licensing is in effect	
8	General licensing	X	FTA, DAP Act, TDPA	X	General Licensing is in effect. But general Licensing is given only to Trusted Compliant Traders	page 22 of Addendum 1
9	Exceptions from licensing	X		X	Exceptions are applied only in very clear and limited conditions	
10	Licensing of deemed export/visa					pages 22 and 24 of Addendum 1

11	National licensing authority	X	MOCIE, MOST, MOU, DAPA	MOCIE in charge of CW-related goods MOST in charge of CW-related technology MOU in charge of trade between ROK and DPRK DAPA in charge of defense articles	page 6 of the report page 22 of Addendum 1
12	Interagency review for licenses	X	1.FTA 2.ACCB	1. Export control related authorities have power convene interagency consultation when necessary. Ministry of Foreign Affairs and Trade(MOFAT) holds additional interagency consultation on regular basis. 2. CWC Policy Council is established under MOFAT to consider and coordinate important policies relating to the implementation of CWC.	page 6 of the report page 22 of Addendum 1
13	Control lists	X	FTA, TDPA, DAP Act, ACCB	Integrated Public Notice on Export/Import of Strategic Items incorporates the control items under NSG, AG, MTCR and WVA and CWC and BWC related items. 2. Listed items linked with Harmonized Commodity Description and Coding 3. ROK is providing information on the control lists through on-line strategic items management system, "Yes Trade" and "STICK". 4. Violation of these control lists will be regulated by FTA, TDPA, ACCB and DAP Act. These Acts contain penal provisions, administrative sanction and sanctions on legal persons.	pages 5 to 7 of the report pages 22 and 24 of Addendum 1
14	Updating of lists	X	FTA, TDPA, DAP Act, ACCB	ROK Government updates the list on a semiannual basis	page 7 of the report
15	Inclusion of technologies	X	1. Technology Development Promotion Act	1. Technology Development and Promotion Act	page 22 of Addendum 1

	16 Inclusion of means of delivery	X	X	FTA, TDPA, DAP Act, ACCB	X	These laws are enforced with criminal and administrative sanctions including sanctions on legal persons. Technical and detailed issues are contained in relevant Presidential Decree, Enforcement Rule, and Integrated Public Notice.	pages 5 to 7 of the report page 23 of Addendum 1
	17 End-user controls	X	X	1. Foreign Trade Act 2. TDPA 3. DAP Act	X	We refer to Denial Persons List in Licensing Process. If something doubtful is found, we conduct on-site verification and sometimes conduct Post-Shipment Verification when necessary	page 5 of the report page 23 of Addendum 1
	18 Catch all clause	X	X	FTA, TDPA in progress of amendment	X	Catch-all clause in FTA is enforced with criminal penalty, administrative sanctions and sanctions on a legal person. TDPA in progress of amendment contain similar enforcement measures.	page 5 of the report page 23 of Addendum 1
	19 Intangible transfers	X	X	1. ITT is contained in TDPA in			

20	Transit control	<input checked="" type="checkbox"/>	progress of amendment. 2. Transit and Transshipment are regulated by FTA in effect	<input checked="" type="checkbox"/>	Transit and Transshipment may be stopped and suspicious cargoes can be searched	pages 23 and 24 of Addendum 1
21	Trans-shipment control	<input checked="" type="checkbox"/>	FTA	<input checked="" type="checkbox"/>	The end-user certificate form stipulates that the importer shall	page 23 of Addendum 1
22	Re-export control	<input checked="" type="checkbox"/>	ACCB, Criminal Act	<input checked="" type="checkbox"/>	Penal provisions in ACCB and Criminal Act regulate providing funds	
23	Control of providing funds	<input checked="" type="checkbox"/>	ACCB	<input checked="" type="checkbox"/>	Transportation of CW is prohibited by ACCB and regulated by criminal and	
24	Control of providing transport services	<input checked="" type="checkbox"/>	1. Foreign Trade Act 2. TDPA 3.	<input checked="" type="checkbox"/>	importers shall report to the ROK Government that they import	page 5 of the report page 23 of Addendum 1
25	Control of importation	<input checked="" type="checkbox"/>	Penal provisions of FTA, DAP Act, ACCB and TDPA	<input checked="" type="checkbox"/>	All penal provisions are extraterritorially applicable	
26	Extraterritorial applicability	<input checked="" type="checkbox"/>	FTA	<input checked="" type="checkbox"/>	ROK Government constructed and operates on-line strategic items	page 6 of the report page 24 of Addendum 1
27	Other	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
28						

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

State:

Republic of Korea

Date of Report:

27 October 2004

Date of Addendum 1:

26 September 2005

	Which of the following legislation, procedures, measures, agencies exist to control border crossings,	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc if YES, indicate source document	Remarks
		YES	YES if YES, indicate source document		
1	Border control	<input checked="" type="checkbox"/>	Customs Act	<input checked="" type="checkbox"/>	Commissioner of the Customs to inspect and supervise importation and exportation of certain items page 5 of the report
2	Technical support of border control measures				
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	<input checked="" type="checkbox"/>	FTA, DAP Act, TDPA in Amendment	<input checked="" type="checkbox"/>	These laws contain penal provisions and administrative sanctions page 5-of-the-report pages 25 and 28 of Addendum 1
4	Enforcement agencies/authorities	<input checked="" type="checkbox"/>	Customs Act	<input checked="" type="checkbox"/>	Customs, police, maritime police, immigration authorities page 5 of the report

5	Export control legislation in place	X	1. Foreign Trade Act and its Enforcement-Decree 2. Technology Development and Promotion Act 3. Atomic Energy Act 2- 4. Integrated Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act and its Enforcement-Decree 2. Technology Development and Promotion Act 3. Atomic Energy Act 2- 4. Integrated Public Notice on Export/Import of Strategic Items	page 5 of the report pages 26 of Addendum 1
6	Licensing provisions	X		X	All licensing provisions are	page 26 of Addendum 1
7	Individual licensing	X		X	Individual licensing is in effect	
8	General licensing	X	FTA, Atomic Energy Act, TDPA	X	General Licensing is in effect. But general Licensing is given only to	page 26 of Addendum 1
9	Exceptions from licensing	X		X	Exceptions are applied only in very clear and limited conditions	
10	Licensing of deemed export/visa					pages 26 and 28 of Addendum 1
11	National licensing authority	X	MOST, MOCIE, MND			page 6 of the report page 26 of Addendum 1
12	Interagency review for licenses	X	FTA		Export control related authorities have power convene interagency consultation when necessary. MOFAT holds additional interagency consultation on regular basis.	page 6 of the report page 26 of Addendum 1
13	Control lists	X	FTA, Atomic Energy Act, TDPA	X	Export/Import of Strategic Items incorporates the control items under NSG, AG, MTCR and WA and CWC and BWC related items. 2. Listed items linked with Harmonized Commodity Description and Coding 3. ROK is providing information on the control lists through on-line strategic items management system, "Yes Trade". 4. Violation of these control lists will be regulated by FTA, TDPA, ACCB and DAP Act. These Acts contain penal provisions, administrative sanction and sanctions on legal persons. ROK Government updates the list on a semiannual basis	pages 5 to 7 of the report pages 26 and 28 of Addendum 1
14	Updating of lists	X		X		page 7 of the report

15	Inclusion of technologies	X	1. Technology Development Promotion Act	X	These laws are enforced with criminal and administrative	page 27 of Addendum 1
16	Inclusion of means of delivery	X	FTA, TDPA, DAP Act, AMMS	X	These laws are enforced with criminal and administrative sanctions including sanctions on legal persons. Technical and detailed issues are contained in relevant Presidential Decree, Enforcement Rule, and Integrated Public Notice.	pages 5 to 7 of the report page 27 of Addendum 1
17	End-user controls	X	1. Foreign Trade Act 2. Integrated Public Notice on Export/Import of Strategic Items	X	1. Foreign Trade Act 2. Integrated Public Notice on Export/Import of Strategic Items	page 5 of the report page 27 of Addendum 1
18	Catch all clause	X	Integrated Public Notice on Export/Import of Strategic Items	X	Integrated Public Notice on Export/Import of Strategic Items	page 5 of the report page 27 of Addendum 1
19	Intangible transfers	X	1. ITT is contained in TDPA in progress of amendment.			
20	Transit control	X	2. Transit and Transshipment are regulated by FTA in effect	X	Transit and Transshipment may be stopped and suspicious cargoes can	pages 27 and 28 of Addendum 1
21	Trans-shipment control	X		X	Trans-shipment may be stopped and suspicious cargoes can be searched	
22	Re-export control	X	FTA	X	The end-user certificate form stipulates that the importer shall	page 27 of Addendum 1
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	1. Foreign Trade Act 2. Integrated Public Notice on		Importers shall report to the ROK Government that they import	page 5 of the report page 28 of Addendum 1
26	Extraterritorial applicability	X	Penal provisions of a.m. laws	X	All penal provisions are extraterritorially applicable	
27	Other	X	FTA	X	ROK Government constructed and operates on-line strategic items management system, "YesTrade" and "STICK" for convenience of	page 6 of the report page 28 of Addendum 1

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

Can information be provided on the following issues ?	YES	Remarks
1 Control lists - items (goods/equipment/materials/technologies)	X	The ROK Control list covers all item as controlled in NSG, MTCR, AG, ad WA. The list also covers CWC and BWC, related items.
2 Control lists - other	X	List items linked with Harmonized Commodity Description and Coding System
3 Assistance offered		
4 Assistance requested	X	We dispatch instructors to countries where we are invited to come
5 Assistance in place (bilateral/plurilateral/multilateral)		
6 Information for industry	X	The ROK Government holds conferences on a regular basis to help relevant enterprises comply with export control regulations. Rok Government often sends e-mails to companies in order to inform them of the updated export control news. Control list covers all item as controlled in NSG, MTCR, AG, ad WA. The list also covers CWC and BWC, related items.
7 Information for the public	X	The ROK Government continues to raise public awareness of the obligations set out in the international non-proliferation arrangements through seminars and news coverage. Awareness among the public has been increased rapidly in 3 years.