

THE CULTURAL HERITAGE PROTECTION ACT

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

CHAPTER 1: GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to promote the cultural enhancement of the people and to contribute to the development of human culture by transmitting national culture through the preservation of cultural heritage and enabling their utilization.

Article 2 (Definitions)

(1) For the purpose of this Act, the term “cultural heritage” means national, ethnic, and global legacies of great historical, artistic, academic, or scenic value which have been formed either artificially or naturally, and fall under any of the following subparagraphs:

1. Tangible cultural heritage: Tangible cultural products of great historical, artistic or academic value, such as buildings, records and books, ancient documents, paintings, sculpture and handicraft; and archeological materials corresponding thereto;
2. Intangible cultural heritage: Intangible cultural products of great historical, artistic or academic value, such as drama, music, dance and craftsmanship;
3. Monuments: Those specified in the following items:
 - (a) Historic sites of great historical or academic value, such as temple sites, ancient tombs, shell mounds, ruins of fortresses, palace sites, pottery kiln sites, or relic-bearing strata and monumental facilities;
 - (b) Scenic places of great artistic value and outstanding scenic beauty; and
 - (c) Animals (including their habitats, breeding grounds and migratory areas), plants (including their natural habitats), minerals, caves, geological features, biological products and special natural phenomena which are of great historical, scenic or academic value; and
4. Folklore materials: Manners and customs regarding food, clothing and shelter, occupation, religious faiths, and annual rites, etc., and the clothing, implements, houses used therefor, which are indispensable for understanding changes in the life of the people.

(2) For the purpose of this Act, the term “designated cultural heritage” means the following:

1. State-designated cultural heritage: Cultural heritage designated by the Administrator of the Cultural Heritage Administration pursuant to Articles 5 through 8;
2. City/Province-designated cultural heritage: Cultural heritage designated by the Special Metropolitan City Mayor, Metropolitan City Mayor, Provincial (Do) Governor, or Special Self-Governing Province Governor (hereinafter referred to as the “Mayor/Provincial Governor”) pursuant to Article 71 (1); and
3. Cultural heritage materials: Cultural heritage designated by the Mayor/Provincial Governor pursuant to Article 71 (2), from among those not designated under subparagraph 1 or 2 of this

Article.

(3) For the purpose of this Act, the term “protected zone” means, in case where any tangible object fixed to the ground or a specific area has been designated as a cultural heritage, any zone designated to protect the relevant cultural heritage, excluding the area occupied by the cultural heritage.

Article 3 (Basic Principle of Cultural Heritage Protection)

The basic principle of the conservation, management, and utilization of any cultural heritage shall be to preserve them in their original forms.

Article 4 (Establishment of Cultural Heritage Committee)

(1) The Cultural Heritage Committee shall be established within the Cultural Heritage Administration in order to investigate and deliberate on the following matters pertaining to the conservation, management, and utilization of cultural heritage:

1. Designation of State-designated cultural heritage and cancellation thereof;
2. Designation of protected objects or protected zones of State-designated cultural heritage and cancellation thereof;
3. Recognition of holders, honorary holders, or holding organizations of important intangible cultural heritage, and cancellation thereof;
4. Orders for major repairs to and rehabilitation of State-designated cultural heritage;
5. Permission for any alteration to the existing state of State-designated cultural heritage or for taking them out of the country;
6. Orders for restriction or prohibition on activities, or orders for installation, removal, relocation, etc. of facilities in order to preserve the environment of State-designated cultural heritage;
7. Registration of cultural heritage and the cancellation of such registration;
8. Excavation of buried cultural heritage;
9. Matters deemed important among professional or technical matters related to the conservation, management or utilization of State-designated cultural heritage;
10. Recommendations by the Administrator of the Cultural Heritage Administration related to the designation and management of City/Province-designated cultural heritage or cultural heritage materials; and
11. Any other matters referred by the Administrator of the Cultural Heritage Administration with regard to the conservation, management or utilization of State-designated cultural heritage.

(2) Subcommittees may be established in the Cultural Heritage Committee to investigate and deliberate on the matters falling under each subparagraph of paragraph (1), with responsibilities assigned by type of cultural heritage.

(3) Necessary matters concerning the organization, operation, etc. of the Cultural Heritage Committee shall be prescribed by the Presidential Decree.

CHAPTER 2: STATE-DESIGNATED CULTURAL HERITAGE

SECTION 1: DESIGNATION

Article 5 (Designation of Treasures and National Treasures)

(1) The Administrator of the Cultural Heritage Administration may designate as treasures important objects from among tangible cultural heritage, after deliberation by the Cultural Heritage Committee.

(2) The Administrator of the Cultural Heritage Administration may designate as national treasures highly valuable and unique cultural objects in terms of human culture from among those which meet the requirements of treasures specified under paragraph (1), after deliberation by the Cultural Heritage Committee.

Article 6 (Designation of Important Intangible Cultural Heritage)

(1) The Administrator of the Cultural Heritage Administration may designate as important intangible cultural heritage important properties from among the intangible cultural heritage, after deliberation by the Cultural Heritage Committee.

(2) When the Administrator of the Cultural Heritage Administration designates important intangible cultural heritage under paragraph (1), he/she shall recognize the holder (including the holding organization; hereinafter the same shall apply) of the relevant important intangible cultural heritage.

(3) If there exists any person who is worthy of recognition as a holder of an important intangible cultural heritage, other than the holder recognized under paragraph (2), the Administrator of the Cultural Heritage Administration may additionally recognize that person as a holder of such heritage.

(4) In cases where any holder of an important intangible cultural heritage who has been recognized under paragraphs (2) and (3) has difficulty in regularly delivering the training in craft skills or arts for the transfer of the important intangible cultural heritage under Article 36 (2), the Administrator of the Cultural Heritage Administration may recognize the same holder as an honorary holder, after deliberation by the Cultural Heritage Committee. In this case, prior recognition as the holder of an important intangible cultural heritage shall be deemed revoked from the time the same holder is recognized as an honorary holder.

Article 7 (Designation of Historic Sites, Scenic Sites, and Natural Monuments)

The Administrator of the Cultural Heritage Administration may designate monuments deemed important as historic sites, scenic sites or natural monuments, after deliberation by the Cultural Heritage Committee.

Article 8 (Designation of Important Folklore Materials)

The Administrator of the Cultural Heritage Administration may designate folklore materials deemed

important as important folklore materials, after deliberation by the Cultural Heritage Committee.

Article 9 (Designation of Protected Objects or Protected Zones)

(1) In making a designation pursuant to Article 5, 7 or 8, the Administrator of the Cultural Heritage Administration may designate protected objects or protected zones, if it is especially necessary to protect such cultural heritage.

(2) When the Administrator of the Cultural Heritage Administration has designated protected objects or protected zones pursuant to paragraph (1), he/she shall examine the appropriateness of such designations at regular intervals.

(3) Necessary matters concerning matters subject to examination, etc. under paragraph (2) shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 10 (Notice and Notification of Designation)

(1) When the Administrator of the Cultural Heritage Administration has designated any State-designated cultural heritage (including protected objects and protected zones; hereafter in this Article, the same shall apply) or recognized any person as holder or honorary holder of an important intangible cultural heritage under the provisions of Articles 5 through 9, he/she shall publish a notice to that effect in the Official Gazette, and further promptly notify the owner, holder or honorary holder of the relevant cultural heritage thereof.

(2) In the case of paragraph (1), if the owner of such cultural heritage is absent or unknown, the notification shall be made to its occupant or manager.

Article 11 (Delivery of Designation Certificate, etc.)

(1) When the Administrator of the Cultural Heritage Administration has designated any national treasure, treasure, or important folklore material pursuant to Article 5 or 8, he/she shall issue a designation certificate of such cultural heritage to its owner.

(2) When the Administrator of the Cultural Heritage Administration has recognized any holder or honorary holder of an important intangible cultural heritage under the provisions of paragraphs (2) through (4) of Article 6, he/she shall deliver a certificate of recognition of the holder or honorary holder of the relevant important intangible cultural heritage to such holder or honorary holder.

Article 12 (Effective Time of Designation or Recognition)

Any designation or recognition under Articles 5 through 9 shall take effect for the owner, holder, honorary holder, occupant or manager of such cultural heritage from the date of the receipt of the notification of such designation or recognition, and for any other persons from the date of such publication in the Official Gazette.

Article 13 (Revocation of Designation or Recognition)

(1) If any cultural heritage as designated pursuant to Article 5, 7 or 8 loses its value as a State-designated cultural heritage, or if there exist any other special circumstances, the Administrator of the Cultural Heritage Administration may revoke such designation, after deliberation by the Cultural Heritage Committee.

(2) If any holder of an important intangible cultural heritage is deemed unfit to hold such heritage due to physical or mental disability or other special circumstances, the Administrator of the Cultural Heritage Administration may revoke recognition of the holder of such important intangible cultural heritage, after deliberation by the Cultural Heritage Committee.

(3) If an individual among the holders or honorary holders of an important intangible cultural heritage dies, his/her recognition as holder or honorary holder shall be revoked. If all the individuals among the holders of an important intangible cultural heritage have died, the designation of such important intangible cultural heritage may be revoked, after deliberation by the Cultural Heritage Committee.

(4) If any designation of protected objects or protected zones is found to be inappropriate as a result of such examination as set forth in Article 9 (2) or other special circumstances, the Administrator of the Cultural Heritage Administration shall either revoke such designation of protected objects or protected zones or adjust the scope of such designation. In cases where any designation of a State-designated cultural heritage has been revoked, he/she shall promptly revoke the designation of protected objects or protected zones for such cultural heritage.

(5) The provisions of Articles 10 and 12 shall apply *mutatis mutandis* to the cases specified in paragraphs (1) through (4).

(6) If any owner of a national treasure, treasure or important folklore material receives a notice of such revocation as specified in paragraph (5) and Article 10, he/she shall surrender the designation certificate of such cultural heritage to the Administrator of the Cultural Heritage Administration within 30 days after the date of the receipt of such notice.

(7) If the holder of any important intangible cultural heritage receives a notice of such revocation as specified in paragraph (5) and Article 10, he/she shall surrender the recognition certificate of such cultural heritage to the Administrator of the Cultural Heritage Administration within 30 days after the date of the receipt of such notice: *Provided*, That this shall not apply if an individual among the holders of an important intangible cultural heritage has died.

Article 14 Deleted. <by Act No. 5719, Jan. 29, 1999>

Article 14 (Provisional Designation)

(1) If there exists an urgent need prior to the designation of a cultural heritage that is deemed worthy of designation under Articles 5, 7 and 8, and time does not permit deliberation by the Cultural Heritage Committee, the Administrator of the Cultural Heritage Administration may provisionally designate the cultural heritage as an important cultural heritage.

(2) Such provisional designation under paragraph (1) shall take effect from the date of such notification to the owner, occupant or manager of such provisionally designated cultural heritage (hereinafter referred to as a “provisionally designated cultural heritage”).

(3) If such designation as specified in Articles 5, 7 and 8 is not attained within six months from the date of such provisional designation under paragraph (1), the provisional designation shall be deemed revoked.

(4) The provisions of Articles 10 and 11 (1) shall apply *mutatis mutandis* to paragraph (1); but a public notice in the Official Gazette under Article 9 (1) shall not be required.

SECTION 2: MANAGEMENT AND PROTECTION

Article 15 (Formulation of Plans for Preservation, Management and Utilization of Cultural Heritage)

(1) The Administrator of the Cultural Heritage Administration may formulate basic plans for the preservation, management, and utilization of State-designated cultural heritage through consultation with the Mayors/Provincial Governors.

(2) When the Administrator of the Cultural Heritage Administration has formulated the basic plans referred to in paragraph (1), he/she shall notify the Mayors/Provincial Governors thereof, and the Mayors/Provincial Governors shall formulate and implement detailed implementation plans in compliance with such basic plans.

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

Article 16 (Management by Managing Organization)

(1) When the owner of a State-designated cultural heritage is unknown, or management by the owner or manager is deemed difficult or inadequate, the Administrator of the Cultural Heritage Administration may designate the local government, or a legal entity or organization suitable for managing such cultural heritage (hereafter in this Article referred to as the “local government, etc.”) to manage the relevant State-designated cultural heritage.

(2) In cases where the Administrator of the Cultural Heritage Administration designates the local

government, etc. under paragraph (1), if there exists any owner of the said cultural heritage, the Administrator shall hear the owner's opinion and take it into consideration, and also hear the opinions of the local government, etc. intended for such designation.

(3) If the Administrator of the Cultural Heritage Administration has designated the local government, etc. under paragraph (1), he/she shall promptly publish a notice to that effect in the Official Gazette, and shall further notify the owner or manager of the State-designated cultural heritage and the relevant local government, etc.

(4) The owner or manager of the State-designated cultural heritage shall not obstruct the managing activities of the local government, etc. that have been designated under paragraph (1) (hereinafter referred to as the "managing organization") without any justifiable reason.

(5) Unless specifically provided otherwise in this Act, the expenses required by the managing organization for managing the State-designated cultural heritage shall be borne by the relevant managing organization; but if the managing organization is rendered unable to bear the expenses, the State or local government may bear such expenses.

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

Article 17 (Repairs, etc.)

(1) If the owner of a State-designated cultural heritage (or managing organization, where a managing organization has been designated) intends to repair the cultural heritage, the owner shall have the cultural heritage repaired by such repair engineers, repair technicians, or cultural heritage repair business operators as are registered with the Mayor/Provincial Governor under Article 22, 26 or 27 (hereinafter referred to as the "cultural heritage repair engineers, etc."): *Provided*, That this requirement shall not apply to minor repairs that do not affect the preservation of such cultural heritage.

(2) Any person who repairs cultural heritage under paragraph (1) shall perform the repair work while observing each of the following:

1. To perform cultural heritage repair work with good faith and integrity;
2. To perform repair work in conformity with the repair standards, such as the design documents for repair of cultural heritage and standard specifications, etc.;
3. To faithfully prepare a written report on the cultural heritage repair works and submit it to the person placing the order; and
4. Such other matters consistent with the provisions of subparagraphs 1 through 3 of this paragraph as may be deemed necessary to preserve the original form of such cultural heritage and to enhance the quality of the repair works, and as may be stipulated by the Ordinance of the Ministry of Culture and Tourism.

(3) The types and responsibilities of cultural heritage repair engineers, etc. under paragraph (1) shall be prescribed by the Presidential Decree.

(4) The Administrator of the Cultural Heritage Administration may set the standards for survey and design for the repair of State-designated cultural heritage under paragraph (1), and for payment for such services.

Article 18 (Cultural Heritage Repair Engineer)

(1) Cultural heritage repair engineers shall be in charge of technical affairs concerning repairs to State-designated cultural heritage, and direct and supervise the work of cultural heritage repair technicians.

(2) Any person who intends to become a cultural heritage repair engineer (hereinafter referred to as "repair engineer") shall pass the qualification examination for cultural heritage repair engineers in the relevant technical field. In this case, any person who intends to sit for the qualification examination for repair engineers in charge of survey and drafting of design documents for repair of cultural heritage shall be a person qualified to practice as an architect under the Certified Architects Act.

(3) The qualification examination for cultural heritage repair engineers (hereinafter referred to as the "technical qualification examination") under paragraph (2) shall be implemented in two sections—a written examination and interview.

(4) Partial exemption from the written-examination section of the technical qualification examination in the relevant field shall be granted to public officials of grade 6 or higher (including public officials in special or contractual service with the equivalent rank) who have been engaged in cultural heritage repair duties for no less than ten years, or public officials who belong to the senior executive civil service and have received specialized education in cultural heritage repair techniques as prescribed by the Ordinance of the Ministry of Culture and Tourism.

(5) Persons who have passed the written-examination section of the technical qualification examination under paragraph (3), may be granted exemption for the written examination of the subsequent technical qualification examination.

(6) Matters concerning subjects covered by the technical qualification examination and partial exemption from the written examination under paragraphs (3) and (4) and other matters necessary for the implementation of the examination shall be prescribed by the Presidential Decree.

Article 19 (Disqualification)

The following persons shall not be qualified to be a repair engineer:

1. A minor;

2. A person adjudicated legally incompetent or quasi-competent;
3. A person who is not yet reinstated after having been declared bankrupt;
4. A person who was sentenced to actual imprisonment or more severe sentence for violation of the Certified Architects Act (limited to persons in charge of survey and drafting of design documents for repair of cultural heritage) or this Act, and for whom two years have not elapsed since the execution of the sentence was terminated (including cases where the execution of the sentence is deemed to have been terminated) or exempted; or
5. A person who was granted a stay of execution for violation of the laws specified in subparagraph 4 of this Article, and is still serving the probationary term of the sentence.

Article 20 (Repair Engineer Qualification Certificate, etc.)

(1) The Administrator of the Cultural Heritage Administration shall issue to any person who has passed the technical qualification examination a certificate for qualification as a cultural heritage repair engineer (hereinafter referred to as a "repair engineer qualification certificate") as prescribed in Article 18 (2).

(2) If a repair engineer qualification certificate is lost or worn beyond use, the person to whom such certificate was issued may apply for reissue of the certificate to the Administrator of the Cultural Heritage Administration.

(3) A repair engineer shall not permit another person to perform repair work using his/her name, and shall not lend his/her repair engineer qualification certificate to another person.

(4) A repair engineer shall not be employed concurrently in more than one cultural heritage repair business.

(5) Necessary matters concerning procedures for the issue and reissue of repair engineer qualification certificates under paragraphs (1) and (2) and management thereof shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 21 (Cancellation, etc. of Repair Engineer Qualification)

(1) The Administrator of the Cultural Heritage Administration shall revoke the qualification of a repair engineer in any of the following cases:

1. When he/she is found to have acquired his/her qualification by deceit or other illicit means; or
2. When he/she falls under any subparagraph of Article 19.

(2) A person whose repair engineer qualification has been revoked under paragraph (1) shall promptly surrender his/her certificate to the Administrator of the Cultural Heritage Administration.

(3) If the Administrator of the Cultural Heritage Administration revokes the qualification of a repair engineer pursuant to paragraph (1), he/she shall notify the Mayor/Provincial Governor thereof.

Article 22 (Registration, etc. of Repair Engineers)

(1) When a person who has been issued a repair engineer qualification certificate intends to practice as a cultural heritage repair engineer, he/she shall register with the Mayor/Provincial Governor having jurisdiction over his/her address on such matters as required by the Ordinance of the Ministry of Culture and Tourism: *Provided*, That if any repair engineer is employed by a cultural heritage repair business operator under Article 27, then he/she shall register with the Mayor/Provincial Governor having jurisdiction over the repair business operator's registered place of business.

(2) If any alterations have been made to such important matters as specified in the Ordinance of the Ministry of Culture and Tourism among the matters subject to registration under paragraph (1), the repair engineer shall file a report on such alterations to the Mayor/Provincial Governor with whom the repair engineer is registered within 15 days from the date of such alterations.

(3) When a repair engineer registers or files a report on alterations under paragraph (1) or (2), the Mayor/Provincial Governor shall notify the Administrator of the Cultural Heritage Administration thereof within 15 days.

(4) A person whose repair engineer qualification has been revoked under Article 23 (1) and for whom two years have not passed thereafter shall not be permitted to re-register.

(5) Necessary matters concerning procedures for registration of a repair engineer and report of alterations therein under paragraphs (1) and (2) shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 23 (Cancellation, etc. of Repair Engineer Registration)

(1) When a person who has registered under Article 22 (1) falls under any of the following subparagraphs, the Mayor/Provincial Governor may either revoke the person's registration or order the person to suspend practice for a fixed term of less than two years as prescribed by the Ordinance of the Ministry of Culture and Tourism: *Provided*, That in the case of subparagraphs 1 through 4, the Mayor/Provincial Governor shall revoke the person's registration:

1. When his/her qualification has been revoked under Article 21 (1);
2. When he/she is found to have registered his/her qualification by deceit or other illicit means;
3. When he/she continues to practice after receiving a disposition of suspension from practice;
4. When he/she is deemed unable to practice his/her profession due to physical or mental disability or other circumstances;
5. When he/she has damaged or destroyed a cultural heritage during its repair (including improvement and maintenance of the area surrounding a cultural heritage);
6. When he/she has performed repair work in violation of the requirements in Article 17 (2);
7. When he/she has permitted another person to use his/her name or lent his/her qualification

certificate to another person to perform repair work, or when he/she is employed concurrently by more than one cultural heritage repair business in violation of Article 20 (3) or (4);

8. When he/she has failed to use designated repair materials or to make repairs in accordance with traditional styles; or

9. When the repair engineer has performed repair work outside of the technical field in which he/she is qualified.

(2) If the Mayor/Provincial Governor revokes the registration of a repair engineer or suspends a repair engineer from practice under paragraph (1), he/she shall make a note of the contents of and reasons for such disposition on the person's repair engineer qualification certificate, and further notify the Administrator of the Cultural Heritage Administration thereof.

(3) A person whose registration has been revoked or whose practice has been suspended under paragraph (1) shall forthwith surrender his/her repair engineer qualification certificate to the competent Mayor/Provincial Governor. In this case, when the period of suspension expires, the Mayor/Provincial Governor shall reinstate the surrendered repair engineer qualification certificate to the repair engineer.

(4) When the head of the central administrative agency or the head of a local government finds a repair engineer falling under any subparagraph of paragraph (1) while performing cultural heritage-related duties in the course of his/her jurisdictional duties, he/she shall notify such fact to the Mayor/Provincial Governor with whom the repair engineer is registered.

Article 24 (Cultural Heritage Repair Technician)

(1) Cultural heritage repair technicians shall be in charge of affairs concerning repair of State-designated cultural heritage under the supervision of cultural heritage repair engineers.

(2) Any person who intends to become a cultural heritage repair technician (hereinafter referred to as "repair technician") shall pass the qualification examination for cultural heritage repair technicians in the relevant skill field.

(3) The qualification examination for cultural heritage repair technicians (hereinafter referred to as the "skill qualification examination") shall be implemented in two sections—a written examination and interview.

(4) Matters necessary for the implementation of the skill qualification examination under paragraph (3) shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 25 (Repair Technician Qualification and Cancellation Thereof, etc.)

The provisions of Articles 20 and 21 [excluding paragraph (1) 2] shall apply *mutatis mutandis* to the qualification certificates of repair technicians and cancellation thereof, etc.

Article 26 (Registration of Repair Technicians and Cancellation Thereof, etc.)

The provisions of Articles 22 and 23 shall apply *mutatis mutandis* to the registration of repair technicians and cancellation thereof, etc.

Article 27 (Registration, etc. of Cultural Heritage Repair Business Operator)

(1) Any person who intends to operate a business specializing in the repair of cultural heritage shall equip himself/herself with such technical capabilities, qualifications and other requirements as prescribed by the Presidential Decree, and register his/her business with the Mayor/Provincial Governor. When any alterations have been made to such important matters as specified in the Ordinance of the Ministry of Culture and Tourism among the registered matters, he/she shall file a report on such alterations to the Mayor/Provincial Governor within 15 days from the date of such alterations.

(2) Upon completion of the registration of a cultural heritage repair business operator (hereinafter referred to as "repair business operator") or upon the receipt of a report of alterations under paragraph (1), the Mayor/Provincial Governor shall notify the Administrator of the Cultural Heritage Administration thereof.

(3) The following persons shall be prohibited from making such registration as specified in paragraph (1) of this Article. In the case of a legal entity, the same shall also apply when its representative falls under subparagraph 1 of this paragraph:

1. A person who falls under any subparagraph of Article 19;
2. A person whose registration as a repair business operator has been revoked under Article 28, and for whom two years have not passed thereafter [excluding those whose registration has been revoked under Article 28 (1) 4]; and
3. A person who is still suspended after receiving a disposition of business suspension under Article 82 (1) and (2) or 83 of the Framework Act on the Construction Industry, or who is still suspended after receiving a disposition of suspension from practice under Article 28 (1) of the Certified Architects Act.

(4) A repair business operator shall not permit another person to use his/her trade name, etc. in order to contract to do or to carry out repair works, and shall not lend another person the registration certificate or passport for a repair business operator issued to him/her pursuant to the Ordinance of the Ministry of Culture and Tourism.

(5) Necessary matters concerning registration procedures and the issuance of registration certificates for repair business operators shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 28 (Cancellation of Registration, etc. of Cultural Heritage Repair Business Operator)

(1) If any repair business operator registered under Article 27 (1) falls under any of the following subparagraphs, the Mayor/Provincial Governor may either revoke his/her registration or order him/her to suspend business for a fixed term of less than six months: *Provided*, That in the case of subparagraph 1, 3 or 5, the Mayor/Provincial Governor shall revoke his/her registration.

1. When he/she is found to have registered his/her business by deceit or other illicit means;
2. When he/she has performed repair work in contravention of the requirements in Article 17 (2);
3. When he/she falls under any subparagraph of Article 19;
4. When he/she loses or falls short of such technical capabilities, qualifications and other requirements as specified in Article 27 (1);
5. When he/she continues to engage in business after receiving a disposition of suspension from business or engages in business in violation of the provisions for business suspension under paragraph (2);
6. When he/she has damaged or destroyed a cultural heritage during its repair (including the improvement and maintenance of the area surrounding a cultural heritage);
7. When he/she has permitted another person to use his/her trade name to contract to do or to carry out repair works, or lent another person his/her registration certificate or passport for a repair business operator in violation of Article 27 (4);
8. When a repair business operator has used the qualification certificate of a repair engineer or technician by leasing it from a person not belonging to his/her business;
9. When he/she has subcontracted to another person the whole of his/her contracted work;
10. When he/she has subcontracted part of his/her contracted work in violation of Article 29 or 30 of the Framework Act on the Construction Industry;
11. When he/she has failed to perform his/her defect liability under Article 30;
12. When any defects equivalent to no less than 10 percent of construction costs have occurred during the defect liability period under Article 30 for reasons attributable to the repair business operator; or
13. When a repair business operator has performed repair work outside of his/her registered business type.

(2) When a repair business operator has been subjected to any of the following dispositions in connection with his technical capabilities, qualifications and other requirements under Article 27 (1), he/she shall not engage in the business under this Act during the period of the disposition:

1. A disposition of business suspension under Article 82 (1) and (2) or 83 of the Framework Act on the Construction Industry; or
2. A disposition of business suspension under Article 28 (1) of the Certified Architects Act.

(3) When the head of the central administrative agency or the head of a local government finds a repair business operator falling under any subparagraph of paragraph (1) of this Article while performing cultural heritage-related duties in the course of his/her jurisdictional duties, he/she shall notify such fact to the Mayor/Provincial Governor having jurisdiction over the repair business operator's registered place of business.

(4) If the Mayor/Provincial Governor revokes registration or orders suspension of business under paragraph (1), he/she shall promptly notify thereof to the competent head of *Si/Gun/Gu* (referring to the head of autonomous *Gu*; hereinafter the same shall apply) and the Mayors/Provincial Governors of other regions.

(5) When a repair business operator receives a disposition of cancellation of his/her registration or suspension of business under paragraph (1), or a disposition under any subparagraph of paragraph (2), he/she may continue to perform work contracted before the disposition was imposed, notwithstanding the provisions of paragraphs (1) and (2).

Article 29 (Evaluation, etc. of Cultural Heritage Repair Services and Works)

(1) The Administrator of the Cultural Heritage Administration or the head of a local government, who has placed an order for a repair service project or repair works on a cultural heritage (hereinafter referred to as the "order-placing authority") may perform an evaluation of cultural heritage repair service projects or repair works that are above the criteria set by the Presidential Decree, in order to enhance the technical level of repair business operators and the quality of cultural heritage repair works.

(2) The order-placing authority may designate repair business operators whose repair service projects or repair works have obtained excellent results in evaluations under paragraph (1) as excellent business operators for a fixed period.

(3) The order-placing authority may provide excellent business operators designated under paragraph (2) with preferential treatment during the designated period in placing orders for cultural heritage repair service projects or repair works.

(4) If necessary for the evaluation under paragraphs (1) and (2), the order-placing authority may directly inspect the scene, etc. of cultural heritage repair works, or require the repair business operator to submit information necessary for evaluation.

(5) Necessary matters concerning the standards, procedures, and methods for evaluation and the valid period, etc. for the designation of excellent business operators under paragraphs (1) through (4) shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 30 (Defect Liability for Repair Works)

(1) A repair business operator shall be liable for warranty to the order-placing person against any defects that may occur during such defect liability period by type of repair works as prescribed by the Presidential Decree within the limit of ten years from the date of completion of repair works.

(2) If special conditions concerning the defect liability of the repair business operator have been

incorporated in the contract between the repair business operator and the order-placing person, such special conditions shall prevail, notwithstanding the provisions of paragraph (1): *Provided*, That where the defect liability period has been set at less than 2/3 of the period under paragraph (1), it shall be deemed to have been set at 2/3 of such period; and where exemption has been set at a level in excess of 1/2 of the defect liability, it shall be deemed to have been set at 1/2 of such liability.

Article 31 (Treatment, etc. of Animals Designated as Natural Monuments)

(1) When any animal designated as a natural monument (hereinafter referred to as an "animal") is in distress, the Administrator of the Cultural Heritage Administration may require that a veterinary infirmary designated by him/her render treatment such as transport for rescue, administration of medication, surgery, breeding, and training on survival in the wild (hereinafter referred to as the "treatment"), notwithstanding the provisions of Article 17.

(2) Notwithstanding the provisions of Article 34, if an animal in distress, etc., is in urgent need of protection, the Administrator of the Cultural Heritage Administration may require that a veterinary infirmary provide the treatment without first obtaining permission for alteration to the existing state, and thereafter file a report on the result thereof.

(3) The State or local government may, within budget limits, pay the veterinary infirmary that has treated the animal the expenses required for the treatment.

(4) The Administrator of the Cultural Heritage Administration may revoke the designation of any veterinary infirmary that falls under any of the following subparagraphs:

1. When it has obtained the designation by deceit or other illicit means;
2. When it falls short of the requirements for designation under paragraph (5);
3. When it has intentionally or by gross negligence caused any animal under its treatment to die or become disabled;
4. When it has failed to file a report on the result of treatment under paragraph (2) or filed a false report;
5. When it has, by deceit, filed claims for payment for treatment of animals under paragraph (3); or
6. When it has violated the order of the Administrator of the Cultural Heritage Administration or the head of the local government under Article 37 (1).

(5) Necessary matters concerning the requirements and procedures, etc. for the designation of veterinary infirmaries shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 32 (Entrustment of Authority)

(1) Such authority and duties as the management of the technical qualification examination and skill qualification examination under Article 18 and 24, and the management of qualification certificates for repair engineers and technicians under Articles 20, 21 and 25 may be entrusted to the

specialized agencies concerned, as prescribed by the Presidential Decree.

(2) In cases where the Administrator of the Cultural Heritage Administration entrusts to an agency the management of qualification examinations and qualification certificates under paragraph (1), he/she may subsidize expenses required for such management within budget limits.

Article 33 (Preparation and Retention of Records)

(1) The Administrator of the Cultural Heritage Administration, the relevant heads of *Si/Gun/Gu* and managing organizations shall prepare and retain records regarding the preservation and management of, and alterations to, etc. of the State-designated cultural heritage under their jurisdictions.

(2) If deemed necessary for the preservation and management of a State-designated cultural heritage, the Administrator of the Cultural Heritage Administration may assign any person or research institution with specialized knowledge of cultural heritage to prepare records on such State-designated cultural heritage.

Article 34 (Matters Subject to Permission)

Any person who intends to perform the activities falling under any of the following subparagraphs on a State-designated cultural heritage shall obtain permission from the Administrator of the Cultural Heritage Administration as prescribed by the Presidential Decree. The same shall also apply to any alteration to the permitted matters.

1. Capturing or harvesting animals, plants or minerals within any area that has been designated or provisionally designated as a scenic site or natural monument, or within its protected zone, or carrying them out of such an area or zone;
2. Making a rubbed copy or photo print of a State-designated cultural heritage, or taking any photograph that may affect the preservation thereof; or
3. Any activities that alter the existing state (including sampling or mounting of natural monuments) of any State-designated cultural heritage (including protected objects and protected zones, and any dead ones among natural monuments), or any acts that may affect the preservation thereof, which are prescribed by the Presidential Decree.

Article 35 (Prohibition of Export, etc.)

(1) Any national treasure, treasure, natural monument, or important folklore material shall not be exported or taken out of the country: *Provided*, That the same shall not apply when permission from the Administrator of the Cultural Heritage Administration has been obtained, on the condition that the objects are taken out of the country for the purpose of international cultural exchange, such as an overseas exhibition of cultural heritage, and that they will be brought back into the country within two years from the date of their departure.

(2) If any person who has obtained permission to take a cultural heritage object out of the country under the proviso of paragraph (1) files an application for extension of the permitted period, the Administrator of the Cultural Heritage Administration may grant an extension for a period of up to two years only when the circumstances are deemed unavoidable.

(3) If the Administrator of the Cultural Heritage Administration intends to grant permission for taking cultural heritage objects out of the country under the proviso of paragraph (1), he/she shall refer the matter to the State Council for deliberation.

(4) Notwithstanding the provisions of paragraph (1), in the case of samples, mounts, etc. of natural monuments made after obtaining permission under Article 34 (3), they may be exported with permission from the Administrator of the Cultural Heritage Administration.

Article 36 (Protection and Promotion of Important Intangible Cultural Heritage)

(1) The State shall protect and promote important intangible cultural heritage for the transmission and development of traditional culture.

(2) The Administrator of the Cultural Heritage Administration may, for the purpose of the transmission and preservation of important intangible cultural heritage, have the holder of relevant important intangible cultural heritage provide training in the craft skills and arts possessed by him/her for transfer of the important intangible cultural heritage.

(3) The State or local government may bear the expenses required for the training under paragraph (2) within budget limits, and make available free of charge any state- and public-owned facilities established for training intended for the transfer of important intangible cultural heritage.

(4) The Administrator of the Cultural Heritage Administration may award scholarships to the trainees who receive training for the transfer of important intangible cultural heritage.

(5) The Administrator of the Cultural Heritage Administration may provide special grants to honorary holders of important intangible cultural heritage.

(6) Necessary matters concerning training for the transfer of important intangible cultural heritage, and payment of scholarships and special grants under paragraphs (2), (4) and (5) shall be prescribed by the Presidential Decree.

Article 37 (Administrative Orders)

(1) If deemed necessary for the management and protection of State-designated cultural heritage (including their protected objects and protected zones; hereafter in the Article, the same shall apply), the Administrator of the Cultural Heritage Administration and the head of the local government may issue the following orders:

1. Restriction of specific activities to the owner, holder, manager or managing organization of such cultural heritage, if the situation for managing a State-designated cultural heritage is deemed inadequate for the preservation of such cultural heritage, or if it is deemed especially necessary;
2. Repair and other necessary installation of facilities or removal of obstacles to the owner, holder, manager or managing organization of any State-designated cultural heritage; or
3. Any other necessary measures apart from those referred to in subparagraphs 1 and 2 to the owner, holder, manager or managing organization of a State-designated cultural heritage.

(2) If the owner or manager of a State-designated cultural heritage fails to comply with the order under paragraph (1), or if it is deemed inappropriate to have such owner or manager carry out the measures under each subparagraph of paragraph (1), the Administrator of the Cultural Heritage Administration may directly carry out the measures under each subparagraph of paragraph (1) at the expense of the State.

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

Article 38 (Matters to be Reported)

The owners, holders, managers or managing organizations of State-designated cultural heritage (including their protected objects and protected zones; hereafter in the Article, the same shall apply) shall, if any situation falling under any of the following subparagraphs occurs in regard to the relevant cultural heritage, file a report on the facts and circumstances with the Administrator of the Cultural Heritage Administration, as prescribed by the Presidential Decree: *Provided*, That such report shall be filed with the joint signatures of the owner and the manager in the case of subparagraph 1, and with the joint signatures of the new and old owners in the case of subparagraph 2, respectively:

1. When the manager is appointed or dismissed;
2. When there is any change in the owner of a State-designated cultural heritage;
3. When there is any change in the name or address of the owner, holder or manager;
4. When there is any change in the name, parcel number, land-use category or area of the site where a State-designated cultural heritage is located;
5. When the place of custody has been changed;
6. When a State-designated cultural heritage has been lost, stolen, destroyed or damaged;
7. When any cultural heritage that had been taken out of the country with permission under Article 34 (1) or the proviso of Article 35 (1) has been brought back into the country;
8. When alteration to the existing state of any cultural heritage or any other act, for which permission (including modified permission) has been granted, provided under Article 34 (3) has been started or completed ; or
9. When a species of animal or plant is designated as a natural monument and when any person has been in possession of a sample or mount of such animal or plant before the date of such designation.

Article 39 (Subsidies)

(1) The State may grant a subsidy to cover whole or part of the following expenses:

1. Expenses required for the management of any cultural heritage by any managing organization under Article 16 (1);
2. Expenses required for implementing such measures as specified in any of the subparagraphs of Article 37 (1);
3. Expenses required for the management, protection, repair or preparation of records of a State-designated cultural heritage other than those under paragraphs (1) and (2); and
4. Expenses required for the protection and promotion of important intangible cultural heritage.

(2) In cases where a subsidy has been granted under paragraph (1), the Administrator of the Cultural Heritage Administration may supervise any repairs and other works on the cultural heritage.

(3) Any subsidies under paragraph (1) 2 through 4 shall be delivered through the Mayor/Provincial Governor, and managed and used pursuant to his/her directions: *Provided*, That the same shall not apply in cases where the Administrator of the Cultural Heritage Administration deems it necessary.

Article 40 (Compensation for Losses)

The State shall compensate any of the following persons for his/her losses:

1. A person who has suffered losses due to the execution of any order under Article 37 (1) 1 through 3; and
2. A person who has suffered losses due to the implementation of any measure under Article 37 (2).

Article 41 (Expenses to be Borne by Local Government)

The local government may bear or subsidize the expenses required for the management, protection or repair of the State-designated cultural heritage that is located within its jurisdictional boundaries but not in its possession nor under its management.

Article 42 (*Mutatis Mutandis* Application)

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

SECTION 3: PUBLIC ACCESS

Article 43 (Public Access, etc. to State-designated Cultural Heritage)

(1) Except where public access is restricted to such cultural heritage under paragraph (2), State-designated cultural heritage shall be open to the public unless there are special circumstances.

(2) If deemed necessary to preserve any State-designated cultural heritage and to prevent it from any damage, the Administrator of the Cultural Heritage Administration may restrict public access to whole or part of the relevant cultural heritage.

(3) If the Administrator of the Cultural Heritage Administration restricts public access to any State-designated cultural heritage under paragraph (2), he/she shall publish a notice specifying the location, restriction period and restricted area, and further notify the competent Mayor/Provincial Governor and the competent head of *Si/Gun/Gu* as prescribed by the Ordinance of the Ministry of Culture and Tourism.

(4) When the reasons for the restriction of public access under paragraph (2) cease to exist, the Administrator of the Cultural Heritage Administration shall revoke the restriction without delay. In this case, the Administrator shall publish a notice thereof and further notify the competent Mayor/Provincial Governor and the competent head of *Si/Gun/Gu* as prescribed by the Ordinance of the Ministry of Culture and Tourism,

(5) Any person who intends to gain access to any area where public access is restricted under paragraphs (2) and (3) shall obtain permission from the Administrator of the Cultural Heritage Administration, by clearly specifying the reasons therefor.

Article 44 (Collection of Admission Fees)

(1) In case the owner, holder or managing organization of any State-designated cultural heritage opens such cultural heritage to the public, he/she may collect admission fees from visitors.

(2) The admission fee referred to in paragraph (1) shall be set by the owner, holder or managing organization of the relevant cultural heritage.

SECTION 4: INVESTIGATIONS

Article 45 (Routine Investigations)

(1) The Administrator of the Cultural Heritage Administration shall regularly investigate the existing state, management and repair of any State-designated cultural heritage and other situations such as environmental preservation.

(2) When a more in-depth investigation is deemed necessary after such routine investigation under paragraph (1), the Administrator of the Cultural Heritage Administration may charge public officials under his/her control to investigate the relevant State-designated cultural heritage.

(3) In cases where an investigation is to be conducted under paragraphs (1) and (2), the intention thereof shall be notified in advance to the owner, holder, manager or managing organization of the

relevant cultural heritage (hereinafter referred to as the “owner, etc.”): *Provided*, That in case of emergency, notification may be made *ex post facto*.

(4) Any public official who conducts an investigation under paragraphs (1) and (2) may demand cooperation from the owner, etc., such as disclosure of the cultural heritage, submission of information on its existing state, and access to the site of the cultural heritage, to the extent necessary for the investigation; and he/she may conduct survey, excavation, removal of obstacles and any other activities required for the investigation to the extent that it does not cause damage to the existing state of the cultural heritage: *Provided*, That he/she shall obtain consent from the owner, etc. if the investigation is before sunrise or after sunset.

(5) Any public official who conducts the investigation under paragraph (4) shall carry with him/her a certificate indicating his/her authority and present it to the persons concerned.

(6) The State shall compensate any person who suffers losses due to the investigative activities under paragraph (4).

(7) The Administrator of the Cultural Heritage Administration may delegate the whole or part of the routine investigation and reinvestigation under paragraphs (1) and (2) to the local government or entrust such duties to specialized agencies or organizations as prescribed by the Presidential Decree.

Article 46 (Ex Officio Investigations)

(1) If deemed necessary, the Administrator of the Cultural Heritage Administration may charge public officials under his/her control to investigate the existing state, management, and repair of any State-designated cultural heritage and other situations such as environmental preservation.

(2) In cases where an *ex-officio* investigation is conducted under paragraph (1), the provisions of Article 45 (3) through (6) shall apply *mutatis mutandis* to the notification of investigation, the demand for cooperation with the investigation and the extent of the activities required for the investigation, the carrying and presentation of a certificate for investigation, and compensation for losses due to investigative activities, respectively.

CHAPTER 3: REGISTERED CULTURAL HERITAGE

Article 47 (Registration of Cultural Heritage)

(1) The Administrator of the Cultural Heritage Administration may register those cultural heritage in special need of measures for preservation and utilization from among the cultural heritage other than those designated under Article 2 (2), after deliberation by the Cultural Heritage Committee.

(2) Necessary matters concerning the registration standards and procedures for the cultural heritage registered under paragraph (1) (hereinafter referred to as “registered cultural heritage”) and matters to be entered in the registration statement, etc. thereof shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 48 (Management of Registered Cultural Heritage)

(1) Any person who manages a registered cultural heritage, such as the owner or manager of the cultural heritage, shall endeavor to preserve the original form of such registered cultural heritage.

(2) If the owner of a registered cultural heritage is unknown, or if such owner or manager is unable to manage the registered cultural heritage, the Administrator of the Cultural Heritage Administration may designate the local government, or a suitable legal entity or organization to manage the relevant cultural heritage.

(3) The owner or manager of any registered cultural heritage, or any person who has been designated under paragraph (2) (hereinafter referred to as a “managing organization of a registered cultural heritage”) may request the Administrator of the Cultural Heritage Administration to provide technical guidance on the management and repair of registered cultural heritage, as prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 49 (Reasons for Reports)

(1) If any situation falling under any of the following subparagraphs has occurred with regard to a registered cultural heritage, the owner, manager, or managing organization of such registered cultural heritage shall file a report on the facts and circumstances thereof with the competent head of *Si/Gun/Gu*, within 15 days from the date of such occurrence as prescribed by the Ordinance of the Ministry of Culture and Tourism:

1. When the manager of a registered cultural heritage has been appointed or dismissed;
2. When there is any change in the owner of a registered cultural heritage, or in the address of the owner or manager of a registered cultural heritage; or
3. When the whole or part of a registered cultural heritage has been lost or damaged.

(2) The head of *Si/Gun/Gu*, upon receiving the report filed under paragraph (1), shall report the fact to the Administrator of the Cultural Heritage Administration through the Mayor/Provincial Governor.

Article 50 (Alteration to Existing State of Registered Cultural Heritage)

(1) In case where any person intends to conduct such activities as prescribed by the Ordinance of the Ministry of Culture and Tourism, which are any acts that alter the existing state of registered cultural heritage, such as alteration to the original form of such cultural heritage, the person shall file a report thereon with the competent head of *Si/Gun/Gu*, not later than 30 days prior to the intended date of such alteration: *Provided*, That alternation to any registered cultural heritage falling under any of the following subparagraphs shall be subject to permission from the Administrator of the Cultural Heritage Administration as prescribed by the Presidential Decree. The same shall also apply to any alteration to permitted matters:

1. Any registered cultural heritage subject to exception set forth in Article 51 regarding building coverage ratio and floor space index; and
2. Any registered cultural heritage subsidized by the State under Article 53 (2).

(2) The head of *Si/Gun/Gu*, upon receiving the report filed pursuant to the main provisions of paragraph (1), shall report the fact to the Administrator of the Cultural Heritage Administration through the Mayor/Provincial Governor.

(3) If necessary for the preservation of registered cultural heritage, the Administrator of the Cultural Heritage Administration may provide guidance, advice, recommendations, etc. regarding alterations to the existing state of the registered cultural heritage reported under paragraph (1).

Article 51 (Special Exception to Building Coverage Ratio and Floor Space Index of Registered Cultural Heritage)

Notwithstanding the provisions of Articles 77 through 79 of the Act on Planning and Use of National Territory, the application of the maximum limits for building coverage ratio and the floor space index for each use area to the site where a registered cultural heritage building is located may be mitigated in conformity with the standards as determined by the Presidential Decree within 150 percent of the maximum limits applicable to the relevant area.

Article 52 (Cancellation of Registration)

(1) Where it is no longer necessary to preserve and utilize any registered cultural heritage, or where there are any other special reasons, the Administrator of the Cultural Heritage Administration may cancel the registration thereof, after deliberation by the Cultural Heritage Committee.

(2) When a registered cultural heritage is designated as a designated cultural heritage, the registration shall lose its effect.

Article 53 (Applicable Provisions)

(1) The provisions of Article 10 through 12 shall apply *mutatis mutandis* to the notice and notification of the registration of registered cultural heritage or cancellation of the registration, the delivery of a registration certificate, and the effective time of registration, or cancellation of

registration. In this case, the term "State-designated cultural heritage" shall be deemed as "registered cultural heritage," the term "designation" as "registration," and the term "certificate of designation of cultural heritage" as "certificate of registration," respectively.

(2) The provisions of Article 16 (2) through (6), Article 33, Article 39 (1) 1 and 3, (2) and (3), Articles 41, 46 and 76 shall apply *mutatis mutandis* to the management of a registered cultural heritage by a managing organization, the preparation and retention of records on registered cultural heritage, the grant of subsidies by the State, the expenses borne by local governments, the *ex officio* investigation of the existing state, etc. of registered cultural heritage, and the succession of the rights and duties in the case of a change of owner, respectively. In this case, the term "State-designated cultural heritage" shall be deemed as "registered cultural heritage," and the term "managing organization" as "managing organization of registered cultural heritage," respectively.

CHAPTER 4: BURIED CULTURAL HERITAGE

Article 54 (Report on Discovery)

When any cultural heritage concealed in the land, sea bottom, structures, etc. (hereinafter referred to as "buried cultural heritage") has been discovered, the discoverer or the owner, occupant, or manager of such land, sea bottom, structures, etc. shall report such discovery to the Administrator of the Cultural Heritage Administration as prescribed by the Presidential Decree, without making any changes in the existing state.

Article 55 (Restrictions on Excavations)

(1) Any ancient tomb, shell mound, paleontological materials, or natural cave, and any other land and sea bottom deemed to conceal the buried cultural heritage, shall not be excavated: *Provided*, That the same shall not apply to the cases falling under any of the following subparagraphs, for which permission from the Administrator of the Cultural Heritage Administration has been obtained as prescribed by the Presidential Decree:

1. Where an excavation is carried out for the purpose of research;
2. Where there exists a need for unavoidable excavation for construction works (including engineering works, alterations of terrain features, and construction works prescribed by the Presidential Decree; hereinafter the same shall apply); and
3. Where it has been deemed during the execution of construction works that such land or sea bottom conceals buried cultural heritage, and when excavation is unavoidable to continue such construction works.

(2) Any person who intends to obtain permission to excavate buried cultural heritage under the proviso of paragraph (1) shall prepare an application for permission bearing the name of the organization that will conduct the actual excavation, the representative of the organization, the chief researcher, and the senior researcher (hereinafter referred to as "the excavation organization, etc.") and other necessary documents before submitting them to the Mayor/Provincial Governor and the Administrator of the Cultural Heritage Administration through the competent head of *Si/Gun/Gu*.

(3) The qualifications of the excavation organization under paragraph (2) shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

(4) Upon receipt of an application for permission under paragraph (2), the Administrator of the Cultural Heritage Administration shall not grant permission under paragraph (1) if the excavation organization, etc. includes any person falling under any of the following subparagraphs:

1. A person in the excavation organization, etc., who has been directly involved in any acts falling under the following items, and has not passed the period of time as prescribed by the Presidential Decree within the scope of two years from the day such act has been done:
 - (a) Violation of the requirements for the excavation and the instructions on the excavation as prescribed in paragraph (5) and damage to the excavation site willfully or by gross negligence;

(b) Continuation of the excavation in spite of the Administrator of the Cultural Heritage Administration's orders to cease or suspend the excavation, or cancellation of such permission as prescribed in paragraph (5); and

(c) Submission of the excavation report after the lapse of the period of time set for the submission as prescribed in Article 56.

2. A person who, as the organization and its representative who has conducted a survey of the earth's surface as prescribed in Article 91 (1) by deceit or other illicit means and thus has lost its status as a specialized cultural heritage-related institution which is publicly announced by the Administrator of the Cultural Heritage Administration as prescribed in Article 91 (3), and the chief researcher and the senior researcher who have been directly related to the loss of the institution's status, has not exceeded the period of time prescribed by the Presidential Decree within the scope of two years.

(5) The Administrator of the Cultural Heritage Administration may set the requirements for the excavation and instruct the required matters in granting permission under the proviso of paragraph (1), and if deemed necessary in case where permission has been granted, he/she may give orders to cease or suspend the excavation, or cancel such permission.

(6) When any person who has obtained permission under the proviso of paragraph (1) has completed such excavation, the Administrator of the Cultural Heritage Administration may make orders required for the preservation and management, etc. of the excavated cultural heritage.

(7) In the cases falling under paragraph (1) 2 or 3, when the Administrator of the Cultural Heritage Administration deems it necessary for the preservation of such cultural heritage, he/she may either directly excavate them, or assign a person designated by himself/herself to excavate them. In this case, any expenses required for such excavation shall be borne by the person conducting such works: *Provided*, That any expenses required for the excavation due to construction work as prescribed by the Presidential Decree may be borne by the State or a local government within the budget limits.

(8) The provisions of paragraphs (1) through (6) shall apply *mutatis mutandis* in cases of alteration in the existing state of buried cultural heritage which have been excavated (excluding the cultural heritage belonging to movable properties). In this case, the term "excavation" shall be read as "alteration in the existing state."

Article 56 (Excavation Report)

(1) Any person who has obtained permission under the proviso of Article 55 (1) (or the organization which conducts the actual excavation in cases where such person and such organization are not the same entity) shall submit an excavation report to the Administrator of the Cultural Heritage Administration within two years from the day such excavation has been completed.

(2) When an application has been submitted for the extension of the period of time set for such submission under paragraph (1), the Administrator of the Cultural Heritage Administration may extend such period within the scope of two years if it is deemed that there exists a justifiable reason.

Article 57 (Excavation by State)

(1) When deemed necessary, the Administrator of the Cultural Heritage Administration may excavate the land and sea bottom which are deemed to conceal buried cultural heritage.

(2) In the case of paragraph (1), the Administrator of the Cultural Heritage Administration shall deliver a written notice of excavation describing the purpose and methods of excavation, the date of execution, and other necessary matters, to the owner or occupant of such land, as prescribed by the Presidential Decree.

(3) The owner and manager of the land or the occupant of the land and sea level shall not refuse, obstruct or avoid any excavation under paragraph (1).

(4) The provisions of Articles 40 and 46 shall apply *mutatis mutandis* to the cases under paragraph (1).

Article 58 (Standards for Prices of Service to Survey Buried Cultural Heritage)

The Administrator of the Cultural Heritage Administration may determine matters necessary for setting the price standards for service to survey buried cultural heritage and the methods of such calculation, under consultation with the Minister of Finance and Economy.

Article 59 (Methods of Handling)

(1) When there exists a report of a discovery under Article 54, the Administrator of the Cultural Heritage Administration shall, in case where the owner of the relevant cultural heritage has been identified, make the discoverer to return the objects to such owner; and in case where the owner is unidentified, he/she shall notify the chief of the competent police station thereof or the governor of Jeju Special Self-governing Province, which has an autonomous police force, notwithstanding the provisions of Article 1 (1) of the Lost Articles Act which are applied *mutatis mutandis* in Article 13 of the said Act:

(2) When the chief of the police station or the governor of Jeju Special Self-governing Province, which has an autonomous police force, has received notification under paragraph (1), he/she shall promptly make a public announcement under the provisions of Article 1 (2) of the Lost Articles Act, which are applied *mutatis mutandis* in Article 13 of the said Act.

(3) When any cultural heritage has been discovered in an excavation under Article 55 or 57 or a survey of the earth's surface under the provisions of Article 91 (1), the Administrator of the Cultural Heritage Administration shall make a public announcement of the excavation or discovery of such

cultural heritage as prescribed by the Presidential Decree, notwithstanding the provisions of Article 1 (1) of the Lost Articles Act, which are applied *mutatis mutandis* in Article 13 (1) of the said Act. In this case, the return of such cultural heritage shall be made to the person who presents a justifiable basis proving himself/herself to be the owner of such cultural heritage within 30 days from the date of such announcement and is confirmed to be such due owner.

Article 60 (Method of Handling Buried Cultural Heritage by Chief of Police Station, etc.)

(1) In cases where any goods submitted to the chief of the police station or the governor of Jeju Special Self-governing Province, which has an autonomous police force, as buried or lost goods under the Lost Articles Act are recognized as cultural heritage, the said chief or the said governor shall make a public announcement thereof under the Lost Articles Act, and at the same time file a report on the submission of the buried or lost goods recognized as cultural heritage with the Administrator of the Cultural Heritage Administration, and submit them to the said Administrator within 20 days from the date of their submission, except cases where such goods are returned to the owner.

(2) The Administrator of the Cultural Heritage Administration shall appraise the goods submitted under paragraph (1), and dispose of them pursuant to any of the following subparagraphs:

1. Where the relevant goods are cultural heritage, when the owner is unidentified the said Administrator shall notify the chief of police station or the governor of Jeju Special Self-governing Province, which has an autonomous police force, of the purport that such goods are cultural heritage; and when the owner has been identified, the relevant goods shall be returned to the said chief or the said governor with a written attachment stating that such goods are cultural heritage; and
2. Where the relevant goods are not cultural heritage, the relevant goods shall be returned to the chief of the police station or the governor of Jeju Special Self-governing Province, which has an autonomous police force, with a written attachment stating that such goods are not cultural heritage.

Article 61 (Reversion to State, and Indemnity)

(1) In case where any person has claimed ownership of the cultural heritage within 90 days after a public announcement made under Article 59 (2) or (3) or 60 (1), the Administrator of the Cultural Heritage Administration shall return such cultural heritage to the due owner, after going through the procedures for determining such ownership as prescribed by the Presidential Decree. In case where the owner has not been identified, the relevant cultural heritage in need of direct preservation by the State shall be reverted to the State, notwithstanding the provisions of Articles 253 and 254 of the Civil Act; and matters necessary for the scope of cultural heritage subject to reversion to the State, the safekeeping institution, the methods of dealing with any excavated relics needless to preserve, etc. shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

(2) In the case of paragraph (1), the Administrator of the Cultural Heritage Administration shall pay

the indemnity under Article 13 of the Lost Articles Act to the discoverer or finder of relevant cultural heritage and the owner of land or structures, etc. wherein such cultural heritage has been discovered. In this case, if the discoverer or finder and the owner of land or structures, etc. are not the same persons, the indemnity shall be paid equally: *Provided*, That when any expenses have been disbursed in such discovery and finding, the said amount of indemnity may be differentiated as prescribed by the Presidential Decree.

(3) In case where the Administrator of the Cultural Heritage Administration deems that it is needless for the State to directly preserve any cultural heritage that has been reverted to the State under paragraph (1), he/she may transfer the objects to the discoverer or finder of relevant cultural heritage and the owner of land or structures, etc. wherein such cultural heritage has been discovered. In this case, the indemnity under paragraph (2) shall not be paid.

(4) Any buried cultural heritage excavated under the proviso of Article 55 (1), the pre-proviso part of Article 55 (7), or Article 57 (1) at a place where the buried cultural heritage has been discovered and reported thereof as proscribed in Article 54 (including an area which has been led to be excavated with such discovery and report as the cause and an area which is connected with such place) shall not be deemed as being subject to indemnity under paragraph (2).

(5) In case where the indemnity is paid under paragraph (2), the Administrator of the Cultural Heritage Administration may fix the amount of indemnity to the relevant cultural heritages, after deliberation by the Cultural Heritage Committee, and the procedures for paying the indemnity and other matters necessary for such payment shall be prescribed by the Presidential Decree.

(6) The Administrator of the Cultural Heritage Administration may instruct the necessary matters to the discoverer or finder of relevant cultural heritages or the owner of land or structures, etc. wherein such cultural heritage has been discovered, in order to adequately and swiftly conduct a reversion to the State under paragraph (1).

Article 62 (Protection of Buried Cultural Heritage)

(1) In case where the State, local government or any juristic person as prescribed by the Presidential Decree intends to run any development project as prescribed by the Presidential Decree in such area as has been judged to conceal buried cultural heritage, as a result of survey of the earth's surface by a specialized institution related to cultural heritage under Article 91 (2), it shall hold prior consultation with the Administrator of the Cultural Heritage Administration.

(2) In case where the Administrator of the Cultural Heritage Administration deems it necessary to protect the buried cultural heritage, he/she may order the person intending to run the development project under paragraph (1) to take measures necessary for executing such project.

(3) In case where the head of the local government grants authorization or permission for

construction work not corresponding to the development project under paragraph (1) in such area as is deemed to conceal buried cultural heritage, he/she shall examine in advance whether or not any buried cultural heritage is concealed and any schemes for their protection. In case it is deemed necessary for the protection of the buried cultural heritage and surrounding scenery, he/she may not grant any authorization or permission for relevant construction works.

Article 63 (Preparation, etc. of Records on Buried Cultural Heritage)

The State and local governments shall endeavor to prepare and keep records on buried cultural heritage which have been confirmed, and devise proper schemes to protect the areas concealing such cultural heritage.

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

The State and local governments shall actively promote and support the establishment of specialized institutions for surveying buried cultural heritage, for the purpose of survey, excavation, and preservation of buried cultural heritage.

Article 65 (*Mutatis Mutandis* Application of Lost Articles Act)

Except as otherwise prescribed in this Act, the provisions of Article 13 of the Lost Articles Act shall apply *mutatis mutandis* to the buried cultural heritage.

CHAPTER 5: SPECIAL CASES CONCERNING STATE-OWNED CULTURAL HERITAGE

Article 66 (Authority for Management and Overall Control)

(1) Any cultural heritage belonging to the State (hereinafter referred to as “State-owned cultural heritage”) shall be managed and controlled overall by the Administrator of the Cultural Heritage Administration, notwithstanding the provisions of Article 6 of the State Properties Act and Article 7 of the Commodity Management Act: *Provided*, That in case where any State-owned cultural heritage is an administrative property managed by any head of a central government agency other than the Administrator of the Cultural Heritage Administration (referring to the head of a central government agency under the Budget and Accounts Act; hereinafter the same shall apply), or in case where there exists any special need to be managed by the head of a central government agency other than the Administrator of the Cultural Heritage Administration, the said Administrator shall determine such management authority after consultation with the head of the related agency and the Minister of Finance and Economy.

(2) When the Administrator of the Cultural Heritage Administration determines the management authority under the proviso of paragraph (1), he/she shall hear the opinions of the Cultural Heritage Committee.

(3) The Administrator of the Cultural Heritage Administration may either delegate the management of State-owned cultural heritage not falling under the proviso of paragraph (1) to local governments, or entrust such management to a nonprofit corporation or non-profit organization that is not a juristic person. In this case, any revenues accruing from the management of such State-owned cultural heritage belong to those persons delegated or entrusted with such management.

Article 67 (Management Transfer between Accounts without Compensation)

When the Administrator of the Cultural Heritage Administration receives any management transfer from an account under a different control in order to manage State-owned cultural heritage, he/she may do so without compensation, notwithstanding the provisions of Article 23 of the State Properties Act.

Article 68 (Special Cases for Procedures and Methods)

(1) In case where the Administrator of the Cultural Heritage Administration designates or provisionally designates State-owned cultural heritage whose management authority has been separately determined under the proviso of Article 66 (1) as State-designated cultural heritage, or where he/she revokes such designation or provisional designation, any notification to be made under this Act to the owner or occupant of such cultural heritage shall be made to the management authority of such cultural heritage.

(2) In applying Articles 37, 38, 44 and 46 to State-owned cultural heritage whose management

authority has been separately determined under the proviso of Article 66 (1), the term “owner of such cultural heritage” means the management authority of such cultural heritage.

Article 69 (Restrictions on Disposal)

When the management authority under the proviso of Article 66 (1) intends to perform any acts other than those prescribed in each subparagraph of Article 34 on State-designated cultural heritage or provisionally designated cultural heritage under its control, it shall obtain in advance the consent of the Administrator of the Cultural Heritage Administration.

Article 70 (Prohibition of Transfer and Establishment of Private Rights)

State-owned cultural heritage (including their sites) shall not be transferred or no private rights shall be established thereon, unless there exist any special provisions in this Act: *Provided*, That in case where it is deemed that there exist no impediments for their management or protection, any use of such cultural heritage may be permitted by attaching a specific condition, limited to the case of special necessity for use in public, official or public-interest projects.

CHAPTER 6: CITY/PROVINCE-DESIGNATED CULTURAL HERITAGE

Article 71 (Designation, etc. of City/Province-Designated Cultural Heritage)

(1) The Mayor/Provincial Governor may designate what are deemed to be worthy of preservation from among the cultural heritage hitherto undesignated as State-designated cultural heritage, which are located in the district boundaries of the City/Province, as City/Province-designated cultural heritage: *Provided*, That in the case of intangible cultural heritage, the said Mayor/Provincial Governor may designate them as City/Province-designated cultural heritage after prior consultation with the Administrator of the Cultural Heritage Administration; and the recognition as holders of such City/Province-designated cultural heritage shall be granted to persons other than those holders of important intangible cultural heritage.

(2) The Mayor/Provincial Governor may designate what are deemed to be necessary for the preservation of local culture from among the cultural heritage hitherto undesignated under paragraph (1), as cultural heritage materials.

(3) The Administrator of the Cultural Heritage Administration may advise the Mayor/Provincial Governor to designate or preserve as City/Province-designated cultural heritage or cultural heritage materials (including protected objects or protected zones; hereinafter the same shall apply) with regard to cultural heritage deemed to be necessary, after deliberation by the Cultural Heritage Committee.

(4) When designating City/Province-designated cultural heritage or cultural heritage materials under the provisions of paragraphs (1) through (3), the title of the relevant Special Metropolitan City, Metropolitan City, Province or Special Self-governing Province (hereinafter referred to as "City/Province") shall be indicated in front of the term "designated," so as to make known that the designation has been made by the relevant Special Metropolitan City, Metropolitan City, Province or Special Self-governing Province.

(5) Matters necessary for the procedures of designation and cancellation, management, protection and promotion, opening to the public, etc. of City/Province-designated cultural heritage or cultural heritages materials shall be determined by the Ordinance of the relevant local governments.

(6) If the Administrator of the Cultural Heritage Administration, the Provincial Governor designated under Article 5 of the Act on Special Measures for Five North Korean Provinces (*Do*), and the Chairperson of the Committee of Five North Korean Provinces which was established under Article 7 of the said Act, find any intangible cultural heritage that has been inherited from North Korea to be recognizable as worthy of preservation, he/she may advise the Mayor/Provincial Governor having jurisdiction over the area where such cultural heritage has been inherited to designate them as City/Province-designated cultural heritage.

Article 72 (Establishment of Municipal/Provincial Cultural Heritage Committee)

(1) The Cultural Heritage Committee shall be established within the city/province (hereinafter referred to as "Municipal/Provincial Cultural Heritage Committee") in order to investigate and deliberate on matters pertaining to the conservation, management, and utilization of cultural heritage within the Mayor/Provincial Governor's jurisdiction.

(2) Matters necessary for the organization, operation, etc. of the Municipal/Provincial Cultural Heritage Committee shall be prescribed by the Municipal/Provincial Ordinance, which shall include the following:

1. Matters concerning investigation and deliberation in relation to the conservation, management, and utilization of cultural heritage;
2. Matters concerning the appointment and dismissal of the Committee members;
3. Matters concerning the establishment and operation of the subcommittees; and
4. Matters concerning the appointment and utilization of the specialists.

(3) If the Mayor/Provincial Governor intends to request that the Administrator of the Cultural Heritage Administration designate any cultural heritage under his/her jurisdiction as State-designated cultural heritage (including protected objects and protected zones) or cancel the same, he/she shall do so after deliberation by the Municipal/Provincial Cultural Heritage Committee.

Article 73 (Bearing Expenses)

(1) In cases where City/Province-designated cultural heritage or cultural heritage materials, which have been designated under the provisions of Article 71 (1) and (2), are State-owned or public properties, any expenses required for their preservation shall be borne by the State or the relevant local government.

(2) The State or the local government may subsidize the whole or part of the expenses required for the preservation of City/Province-designated cultural heritage or cultural heritage materials which are not State-owned or public properties and the protection and promotion of intangible cultural heritage.

Article 74 (Report, etc.)

(1) In case where there exist any reasons falling under any of the following subparagraphs, the Mayor/Provincial Governor shall promptly file a report thereon with the Administrator of the Cultural Heritage Administration as prescribed by the Presidential Decree:

1. When City/Province-designated cultural heritage or cultural heritage materials have been designated, or such designation has been cancelled;
2. When the location or place of custody of the City/Province-designated cultural heritage or cultural heritage materials has been changed;
3. When the City/Province-designated cultural heritage or cultural heritage materials have been demolished, stolen, destroyed or damaged; and

4. When the City/Province-designated cultural heritage has been repaired.

(2) When the Administrator of the Cultural Heritage Administration deems that any acts under paragraph (1) 1 and 2 are inappropriate, he/she may order that it be corrected or that other necessary measures be taken.

Article 75 (Provisions to be Applied *Mutatis Mutandis*)

(1) The provisions of Articles 17 (1) and (4), 35 (1) and (2) shall apply *mutatis mutandis* to the City/Province-designated cultural heritage and cultural heritage materials.

(2) The provisions of Articles 9, 13 (1) and (4), 14 through 16, 33, 34, 36 (3), 37, 38, and 43 through 46 shall apply *mutatis mutandis* to the City/Province-designated cultural heritages and cultural heritage materials; but in this case, the term “Administrator of the Cultural Heritage Administration” shall be read as “Mayor/Provincial Governor,” the term “the Presidential Decree” as “the Municipal/Provincial Ordinance,” and the term “the State” as “the local government.”

CHAPTER 7: SUPPLEMENTARY PROVISIONS

Article 76 (Succession to Rights and Duties)

(1) When there is a change in the owner of State-designated cultural heritage (including the protected objects, protected zones and provisionally designated cultural heritage), the new owner shall succeed to the rights and duties of the former owner due to this Act or any orders, instructions, and other dispositions made by the Administrator of Cultural Heritage Administration under this Act.

(2) The provisions of paragraph (1) shall apply *mutatis mutandis* to the managing organization and the owner, in case where any managing organization has been designated under Article 16 or where such designation has been cancelled: *Provided*, That the same shall not apply to the rights and duties exclusive to the owner.

Article 77 (Permission for Business, Such as Transactions)

(1) Any person who intends to engage in the business of transaction or exchange of tangible cultural heritage or tangible folklore materials which belong to movables (including any person who intends to engage in the business of transaction or exchange on consignment), shall obtain permission from the head of *Si/Gun/Gu* as prescribed by the Presidential Decree.

(2) Any person who has obtained permission under paragraph (1) (hereinafter referred to as a "cultural heritage dealer") shall file a report on the status of the preservation, transaction, or exchange of the cultural heritage with the head of *Si/Gun/Gu* as prescribed by the Presidential Decree.

(3) The head of *Si/Gun/Gu* who has received the report under paragraph (2) shall submit a report on what he/she has been reported to the Administrator of the Cultural Heritage Administration on a regular basis as prescribed by the Presidential Decree.

Article 78 (Qualifications)

(1) Any person who intends to obtain permission for the business of cultural heritage transactions under Article 77 (1) shall be a person falling under any one of the following subparagraphs:

1. A person who has dealt with the cultural heritage of the State, a local government, a museum, or a gallery for a period of no less than two years;
2. A person who has majored in a discipline in the field of history, archaeology, anthropology, art history, folklore, or cultural heritage management at an institution of higher education at junior college level or higher (including graduate school) for a period of no less than one year; or
3. A person who has been employed by a cultural heritage dealer and has dealt with the cultural heritage for a period of no less than three years.

(2) Matters concerning the scope of a museum and gallery, a college major, and a discipline under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 79 (Disqualifications)

Any of the following persons shall be disqualified to be a cultural heritage dealer:

1. A person adjudicated legally incompetent or quasi-competent;
2. A person who was sentenced to actual imprisonment or a more severe sentence and where three years have not elapsed since the execution of the sentence has been terminated or it has been decided not to carry out the execution of the sentence; or
3. A person for whom three years has not passed from the day his/her permission was cancelled under Article 82.

Article 80 (Matters to be Observed)

Any cultural heritage dealer shall keep the books for transactions or exchange, etc., record the details of the business dealings, and take and post photographs of the actual cultural heritage so as to make it possible to confirm the relevant cultural heritage as prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 81 (Obligation to Report a Termination of Business)

When any person who has been granted permission for business in cultural heritage transactions under Article 77 (1) intends to terminate business, he/she shall submit a business termination report to the head of *Si/Gun/Gu* as prescribed in the Ordinance of the Ministry of Culture and Tourism within three months from the date of termination.

Article 82 (Cancellation of Permission, etc.)

(1) When any cultural heritage dealer falls under any one of the following subparagraphs, the head of *Si/Gun/Gu* may cancel his/her permission thereof or give orders to suspend, in entirety or in part, his/her business for a fixed period of no more than one year: *Provided*, That if the person falls under any of the subparagraphs (1) through (3), the permission shall be cancelled:

1. If the person has obtained the permission by deceit or other illicit means;
2. If the person has been punished with a fine or more severely in violation of Article 101, 103, or 104;
3. If the person has engaged in business during the period of business suspension; and
4. If the person has violated any of the matters to be observed under Article 80.

(2) Specific standards for administrative measures under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 83 (Commendations)

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

1. A person who has discovered and reported the relevant buried cultural heritage, in case where any such buried cultural heritage has been designated as a national treasure or treasure;

2. A person not responsible for any management or protection of the designated or provisionally designated cultural heritage, who has rendered a remarkably distinguished service to the prevention of demolition, robbery, destruction or damage of such cultural heritage;
3. A person other than the holder or honorary holder of important intangible cultural heritage, who has rendered a remarkably distinguished service to the protection and promotion of the important intangible cultural heritage;
4. A person responsible or liable for managing, protecting, and opening to the public the designated or provisionally designated cultural heritage, who has set a model to other persons in such managing, protecting, and opening to the public;
5. A person who has rendered remarkably distinguished service to the conservation, management, and utilization of cultural heritage; and
6. A person who has distinguished himself/herself at an exhibition or a contest related to the preservation of cultural heritage.

Article 84 (Reward Money)

(1) The Administrator of the Cultural Heritage Administration may pay reward money, as prescribed by the Presidential Decree, to any person who has given information to the criminal investigation agency on those who have committed, or attempted, the crimes under Articles 101 through 104, and any person who has distinguished himself/herself in apprehending such criminals.

(2) The Administrator of the Cultural Heritage Administration may pay reward money, as prescribed by the Presidential Decree, to any person who has discovered or reported buried cultural heritage and provided the reasons for an excavation under Article 61 (4), in consideration of the value and scope of the excavated cultural heritage.

Article 85 (Delegation of Authority)

The authority of the Administrator of the Cultural Heritage Administration under this Act may be delegated in part to the Mayor/Provincial Governor, as prescribed by the Presidential Decree.

Article 86 (Protection of Cultural Heritage in Case of Emergency)

(1) When the Administrator of the Cultural Heritage Administration deems it necessary for the protection of cultural heritage in times of war, incident, or emergency equivalent thereto, he/she may either move to a safe area, bury, or take other necessary measures, in regard to State-owned cultural heritage and designated or provisionally designated cultural heritage other than State-owned cultural heritage, or may order the owner, holder, occupant, manager or managing organization of the relevant cultural heritage (hereinafter referred to as the "owner, etc. of cultural heritage") to move the said cultural heritage to a safe area, bury it, or take other necessary measures.

(2) The owner, etc. of the cultural heritage shall not refuse, obstruct, or avoid the measures or orders under paragraph (1).

(3) The Administrator of the Cultural Heritage Administration may carry cultural heritages out of the country when deemed necessary for their protection in times of war, incident, or emergency equivalent thereto, notwithstanding Article 35. In this case, he/she may do so after deliberation by the State Council.

(4) The provisions of Article 40 shall apply *mutatis mutandis* to the case of paragraph (1): *Provided*, That the case of *force majeure*, such as the ravages of war, shall be excepted.

Article 87 (Request for Assistance)

When deemed necessary for taking the measures under Article 86 (1), the Administrator of the Cultural Heritage Administration or any public official in receipt of his/her orders may request the head of a related agency to render the required assistance.

Article 88 (Prevention of Fire, etc.)

(1) The Administrator of the Cultural Heritage Administration and the Mayor/Provincial Governor shall devise and implement measures necessary for the prevention of fire at the designated cultural heritages and the installation of fire extinguishing equipment.

(2) The owner, etc. of a designated cultural heritage shall endeavor to install a fire extinguishing system, alarm system, and water system for firefighting (hereinafter referred to as the "fire extinguishing system, etc." in this Article) under the Act on the Establishment and Maintenance of Firefighting Facilities and Safety Management at the location or place of custody of the said designated cultural heritage or the relevant designated cultural heritage, etc. as prescribed in the Presidential Decree, in order to prevent and extinguish fire on the said designated cultural heritage under his/her ownership or management.

(3) When the owner, etc. installs the fire extinguishing system, etc. under paragraph (2), the State or local government may grant a subsidy to cover the whole or part of the required expenses within the budget limits.

Article 89 (Training of Specialized Manpower for Protection, Management, Repair, etc. of Cultural Heritage)

(1) The Administrator of the Cultural Heritage Administration may train specialized manpower for the protection, management, repair, etc. of cultural heritage.

(2) When the Administrator of the Cultural Heritage Administration deems it necessary for training the specialized manpower under paragraph (1), he/she may grant them scholarships.

(3) When the Administrator of the Cultural Heritage Administration deems it necessary for verifying the status of education or research of the recipient of scholarships under paragraph (2) (hereinafter

referred to as the “scholarship”), he/she may order him/her to submit academic records or a report on research records.

(4) When the causes as stipulated by the Ordinance of the Ministry of Culture and Tourism, such as suspension of study or research, an alteration in its contents, etc. have occurred to any person who is receiving or has received a scholarship, he/she shall promptly file a report thereon with the Administrator of the Cultural Heritage Administration.

(5) Where the causes as stipulated by the Ordinance of the Ministry of Culture and Tourism, such as suspension of study or research, an alteration in its contents, poor research records, etc. have occurred, the Administrator of the Cultural Heritage Administration may either suspend payment of the scholarship or order it to be refunded.

(6) Matters necessary for the persons subject to payment of scholarship, application for scholarships, or suspension of scholarship payment, or refund of scholarship, etc. under paragraphs (1) through (5), shall be stipulated by the Ordinance of the Ministry of Culture and Tourism.

Article 90 (Protection of Cultural Heritage during Construction Works)

(1) When there exists a concern over any damage, demolition or submergence of cultural heritage due to construction works, or when deemed necessary to protect the scenery around the cultural heritage, the implementer of such construction works shall take the required measures pursuant to the instructions of the Administrator of the Cultural Heritage Administration. In this case, any expenses required for such measures shall be borne by the implementer of relevant construction works.

(2) With regard to construction works within the area set by the Municipal/Provincial Ordinance under consultation between the Mayor/Provincial Governor and the Administrator of the Cultural Heritage Administration, which are to be implemented in the outer area of any cultural heritage's outer block boundary (referring to the boundary of the protected zone in case where a protected zone is designated), the relevant administrative agency shall examine whether or not implementing such construction works affects the preservation of the cultural heritage, before granting its authorization or permission for the relevant construction works.

(3) The scope of an area to be set by the Ordinance under paragraph (2) shall be prescribed by the Presidential Decree.

Article 91 (Survey of the Earth's Surface)

(1) Any implementer of construction works prescribed by the Presidential Decree shall, when formulating a project plan for the said construction works, conduct a survey of the earth's surface for cultural heritage (hereinafter referred to as the “surface survey”) in order to confirm whether or

not there exist any burial and distribution of cultural heritages in the relevant construction area.

(2) The surface survey under paragraph (1) shall be conducted by a specialized cultural heritage-related institution which the Administrator of the Cultural Heritage Administration shall select and publish a notice thereon in conformity with the standards as determined by the Ordinance of the Ministry of Culture and Tourism, upon the request of the implementer of relevant construction works; and when the surface survey has been completed, the implementer of the construction works shall submit a report on such survey to the Mayor/Provincial Governor and the Administrator of the Cultural Heritage Administration through the head of *Si/Gun/Gu* having jurisdiction over the relevant project area. In this case, the Mayor/Provincial Governor may present his/her opinion on this matter.

(3) When the specialized cultural heritage-related institution under paragraph (2) has conducted the surface survey by deceit or other illicit means, the Administrator of the Cultural Heritage Administration shall exclude such institution from the list of the specialized cultural heritage-related institutions subject to a notice under paragraph (2).

(4) The Administrator of the Cultural Heritage Administration in receipt of a report on the surface survey under paragraph (2) shall formulate adequate measures for the preservation of cultural heritage, after deliberation by the Cultural Heritage Committee, and may issue an order for measures required for preservation of cultural heritage.

(5) The Administrator of the Cultural Heritage Administration shall notify the head of *Si/Gun/Gu* as well as the Mayor/Provincial Governor of the measures for preservation of the cultural heritage under paragraph (4) (including the content of measures required for preservation of cultural heritage), and the head of *Si/Gun/Gu* shall in turn notify the implementer of relevant construction works thereof.

(6) Any implementer of construction works in receipt of the notification under paragraph (5) shall take the measures required for preservation of cultural heritage, and file a report on the results with the Mayor/Provincial Governor and the Administrator of the Cultural Heritage Administration through the head of *Si/Gun/Gu*.

(7) Any implementer of construction works shall faithfully carry out the content of measures contained in the measures for preservation of cultural heritage under paragraph (4), and the relevant Mayor/Provincial Governor shall confirm whether or not the measures have been faithfully carried out.

(8) Any expenses required for the surface survey under paragraph (1) shall be borne by the implementer of the relevant project.

(9) The object and scope of construction works liable for performing the surface survey under paragraph (1) and other necessary matters shall be prescribed by the Presidential Decree.

Article 92 (Expropriation or Use of Land)

(1) When it is necessary for the preservation and management of cultural heritage, the Administrator of the Cultural Heritage Administration or the head of a local government may expropriate or use the land, buildings, standing trees, bamboo, and other structures located within the protected zones for designated cultural heritage.

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

Article 93 (Protection of Cultural Heritage in Development Projects)

In cases where the State and local governments plan and execute various development projects, they shall endeavor to keep cultural heritage (including the protected objects and protected zones) from being damaged.

Article 94 (Prohibition on Export, etc.)

(1) The provisions of Article 35 (1) and (2) shall apply *mutatis mutandis* to the cultural heritages belonging to movables (hereinafter referred to as “general movable cultural heritage”), from among the cultural heritages which have not been designated under this Act: *Provided*, That the same shall not apply to the cases falling under any of the following subparagraphs, for which permission from the Administrator of the Cultural Heritage Administration has been obtained for the purpose of international cultural exchange, such as an overseas exhibition of the cultural heritages:

1. Where a museum, etc. which has been established under the Museum and Gallery Promotion Act carries back into the country the general movable cultural heritage that it carried out of the country for an overseas museum, etc. within ten years from the date of the objects being carried out abroad; and
2. Where a museum or an organization related to cultural heritage that is recognized by a foreign government carries out of the country the general movable cultural heritages that it has purchased or that have been donated in the Republic of Korea for the purpose of an exhibition at a museum, etc. in its own country.

(2) Matters necessary for the procedures, etc. for exporting the cultural heritages or carrying them out of the country under paragraph (1) 2 shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

(3) In case where a person intends to export any movables mistakable for general movable cultural heritage, or to carry them out of the country, he/she shall obtain prior confirmation from the Administrator of the Cultural Heritage Administration.

(4) A person who intends to obtain confirmation under the provisions of paragraph (3) shall pay a fee as prescribed by the Ordinance of the Ministry of Culture and Tourism.

(5) Matters necessary for the scope of general movable cultural heritages and the procedures, etc. for their confirmation under the main sentence of paragraph (1) and paragraph (3) shall be prescribed by the Presidential Decree.

Article 95 (Support and Promotion of Protective Organizations for Cultural Heritage)

When the Administrator of the Cultural Heritage Administration deems it necessary for the protection, preservation, dissemination, and enhancement of cultural heritage, he/she may support and promote any organization related thereto.

Article 96 (Establishment of the Korea Cultural Heritage Foundation)

(1) The Korea Cultural Heritage Foundation (hereinafter referred to as the "Cultural Heritage Foundation") shall be established under the jurisdiction of the Cultural Heritage Administration for the purpose of protection, preservation, dissemination, and enhancement of cultural heritage and the promotion of traditional arts and culture.

(2) The Cultural Heritage Foundation shall be a juristic person.

(3) The Cultural Heritage Foundation shall employ the officers and required staff as stipulated by the articles of association.

(4) Except as provided in this Act pertaining to the Cultural Heritage Foundation, the provisions concerning a juridical foundation as referred to in the Civil Act shall apply *mutatis mutandis* to the said Foundation.

(5) The National Treasury may subsidize the expenses required for the operation of the Cultural Heritage Foundation.

(6) When deemed necessary for the performance of functions of the Cultural Heritage Foundation, the State or local governments may allow the said Foundation to use or benefit from national or public properties without any compensation.

Article 97 (Protection of Foreign Cultural Heritage)

(1) Any cultural heritage designated and protected as cultural heritage by the Acts and subordinate statutes of foreign countries affiliated with international conventions on the protection of cultural heritage (hereinafter referred to as "foreign cultural heritage") wherein the Republic of Korea has joined (hereinafter referred to as the "Conventions"), shall be protected as prescribed by the Conventions and this Act.

(2) When there exist considerable grounds for admitting that any foreign cultural heritages intended to be carried into the country or already carried therein are those having been illegally carried out of the relevant foreign country, the Administrator of the Cultural Heritage Administration may keep them in custody.

(3) When the Administrator of the Cultural Heritage Administration has kept any foreign cultural heritages in custody under paragraph (2), he/she shall keep and manage the relevant foreign cultural heritages in the museum, etc.

(4) When any foreign cultural heritages, which are kept in custody under paragraph (3), are confirmed to be those lawfully carried out from the said foreign country, the Administrator of the Cultural Heritage Administration shall promptly return them to the owner or occupant thereof. The same shall also apply when the relevant foreign cultural heritages have been confirmed as those illegally carried out, but when it is evident that the relevant foreign country has no intention to recover such cultural heritages.

(5) In case where any country, from which the foreign cultural heritages have been carried out, attests that the foreign cultural heritages carried into the Republic of Korea are what have been illegally carried out from its own country and request their return under justifiable procedures pursuant to the Conventions, or where the Republic of Korea performs its obligation to return them pursuant to the Convention, the Administrator of the Cultural Heritage Administration shall take the required measures to return the relevant cultural heritages to the country from which they have been carried out, by obtaining the cooperation of the related agencies.

Article 98 (Registration and Protection of World Heritage)

(1) The Administrator of the Cultural Heritage Administration may file with the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization (UNESCO) an application for registration as World Heritage the cultural and natural heritage having significant universal values for mankind under Article 11 of the Convention Concerning the Protection of the World Cultural and Natural Heritage. In this case, when intending to file an application for the registration of a natural heritage as World Heritage, he/she shall hold a consultation with the head of the related central administrative agency.

(2) The Administrator of the Cultural Heritage Administration shall actively strive to implement projects for the preservation of human cultural heritage and for overseas enhancement of cultural heritage, including inscription on the Memory of the World register, and the selection of Masterpieces of Oral and Intangible Heritage of Humanity, etc.

(3) The State or local governments shall maintain and manage the cultural heritages registered or selected as World Heritage, Memory of the World, and Masterpieces of Oral and Intangible Heritage of Humanity under paragraphs (1) and (2) (hereinafter referred to as the "registered World

Heritage, etc.”) pursuant to their division according to nature, from the time of their registration or selection, and in correspondence with State-designated cultural heritage as designated by the provisions of Articles 5 through 8; and the Administrator of the Cultural Heritage Administration may, as prescribed by the Presidential Decree, may order measures to be taken concerning any person who commits acts that may affect the World Heritage and its surrounding scenery, as required for the protection of the World Heritage and its surrounding scenery.

Article 99 (Relation with Other Acts)

(1) When the Administrator of the Cultural Heritage Administration intends to take any action falling under any of the following subparagraphs subject to the area in excess of such size as prescribed by the Presidential Decree, within the park zone or the protected zone therefor under the Natural Parks Act, he/she shall hold a consultation with the relevant park management authority:

1. When he/she designates a specific area as a historic site, scenic site or natural monument under Article 7;
2. When he/she designates protected zones under Article 9; and
3. When he/she grants permission or modified permission under Article 34.

(2) When any person has obtained permission under the provisions of Article 34 (including the case of *mutatis mutandis* application under Article 75 (2)) within the park zone or the protected zone therefor under the Natural Parks Act, he/she shall be regarded as having obtained the permission for occupation and use, etc. of a park under Articles 23 and 25 of the Natural Parks Act.

(3) Where such areas belong to the urban areas under subparagraph 1 of Article 6 of the National Land Planning and Utilization Act, as have been designated as State-designated cultural heritage or City/Province-designated cultural heritage under Article 5, 7 through 9, or 71 (1), or as have been designated or published as their protected objects or protected zones, they shall be deemed to have been designated or published as preservation districts under Article 37 (1) 6 of the same Act.

(4) The provisions on acquisition in good faith as referred to in Article 249 of the Civil Act shall not apply to business dealings, such as transactions, of the cultural heritage falling under any of the following subparagraphs: *Provided*, That in cases where the assignee has purchased stolen or lost cultural heritage in good faith at an auction or from a cultural heritage dealer, the owner of the said cultural heritage may demand its return upon compensation for the payment that the assignee has made:

1. Cultural heritages designated by the Administrator of the Cultural Heritage Administration or Mayor/Provincial Governor;
2. Cultural heritages that have been publicly notified as having been stolen or lost; and
3. Cultural heritages whose important parts or records attesting to their source have been artificially damaged.

(5) Matters necessary for the public notification under paragraph (4) shall be prescribed by the

Ordinance of the Ministry of Culture and Tourism.

Article 100 (Hearing)

In cases where the Administrator of the Cultural Heritage Administration, the Mayor/Provincial Governor, or the head of *Si/Gun/Gu* intends to make any dispositions falling under any of the following subparagraphs, he/she shall hold a hearing:

1. Cancellation of qualification of a repair engineer under Article 21;
2. Cancellation of registration of a repair engineer under Article 23 (1) 2 through (9);
3. Cancellation of qualification of a repair technician under Article 25;
4. Cancellation of registration of a repair technician under Article 26;
5. Cancellation of registration of a repair business operator under Article 28;
6. Cancellation of permission when any person, who has obtained the permission under Article 34, Article 35 or the proviso of Article 50 (1), has violated the matters and conditions for such permission; and
7. Cancellation of permission or suspension of business of a cultural heritage dealer under Article 82.

CHAPTER 8: PENAL PROVISIONS

Article 101 (Crime of Export, etc. without Permission)

(1) Any person who has exported or carried out overseas designated or provisionally-designated cultural heritages in violation of the main sentence of Article 35 (1) (including the case applied *mutatis mutandis* under the provisions of Article 75 (1)), or any person who has failed to carry back into the country the cultural heritages carried out under the proviso of Article 35 (1) and the paragraph (2) of the said Article (including the case applied *mutatis mutandis* under the provisions of Article 75 (1)) within the time limit, shall be punished by imprisonment for a limited term of no less than five years, and the relevant cultural heritages shall be confiscated.

(2) Any person who has exported cultural heritages or carried them out overseas, or who has failed to carry back into the country the cultural heritages having already been carried out in violation of Article 94 (1), shall be punished by imprisonment for a limited term of no less than three years, and the relevant cultural heritages shall be confiscated.

(3) Any person who has transferred, taken over, or brokered the relevant cultural heritages, in the knowledge that they are being exported or carried out overseas in violation of paragraphs (1) and (2), shall be punished by imprisonment for a limited term of no less than three years, and the relevant cultural heritages shall be confiscated.

Article 102 (Crime of Inducement, Such as of False Designation, etc.)

Any person who has induced the designation of designated or provisionally designated cultural heritage by deceit or other illicit means, shall be punished by imprisonment for a limited term of no less than five years.

Article 103 (Crime of Damage or Concealment, etc.)

(1) Any person who has damaged, purloined or concealed State-designated cultural heritage (excluding important intangible cultural heritage) or who has impaired their utility by any other means, shall be punished by imprisonment for a limited term of no less than three years.

(2) Any person falling under any of the following subparagraphs shall be punished by imprisonment for a limited term of no less than two years:

1. A person who has damaged, purloined or concealed designated or provisionally designated cultural heritage (excluding structures) other than what are referred to in paragraph (1), or impaired their utility by any other means; and
2. A person who has damaged, purloined or concealed any general movable cultural heritages, or impaired their utility by any other means, in the knowledge that they are the general movable cultural heritages.

(3) Any person falling under any of the following subparagraphs shall be punished by imprisonment

for a limited term of no less than two years or by a fine no less than 20 million won and no more than 150 million won:

1. A person who has stuffed or sampled any natural monument without obtaining permission for altering the existing state or modified permission therefor under the provisions of subparagraph 3 of Article 34;
2. A person who has knowingly acquired, transferred, taken over, or transported the relevant cultural heritage in violation of the provisions of paragraph (1) or (2), or subparagraph 1; and
3. A person who has assisted the acts under subparagraph 2.

(4) Even when any other person has not been punished for committing any acts impairing the utility of the relevant designated cultural heritage, provisionally designated cultural heritage, or general movable cultural heritage, by means of damaging, purloining, concealing and other means under the provisions of paragraphs (1) and (2), before the concealing acts prescribed under the same paragraphs occurred, any person committing the relevant concealing acts shall still be punished by the penalty as stipulated in the same paragraph.

(5) In the cases of paragraphs (1) through (4), the relevant cultural heritages shall be confiscated: *Provided*, That in case where such confiscation is impossible, their assessed prices shall be additionally collected.

Article 104 (Crime of Grave Robbery, etc.)

(1) Any person who has excavated buried cultural heritage without permission within the protected objects or protected zones of designated or provisionally designated cultural heritage shall be punished by imprisonment for a limited term of no less than five years.

(2) Any person who has excavated buried cultural heritage without permission in places other than in paragraph (1), any person who has altered the existing state of an area which has been confirmed to contain buried cultural heritage or which is already under excavation, or any person who has violated an order to cease or suspend the excavation of buried cultural heritage, shall be punished by imprisonment with labor for no more than ten years or by a fine of no more than 100 million won.

(3) Any person who has knowingly transferred, taken over, acquired, transported, possessed, or kept in custody, with or without compensation, any cultural heritage that has been excavated or whose existing state has been altered in violation of paragraphs (1) and (2), shall be punished by imprisonment with labor for no more than seven years or by a fine of no more than 70 million won.

(4) Even when any other person has not been punished for robbing a grave, altering the existing state, transferring, taking over, acquiring, transporting, possessing, or keeping in custody under paragraph (3), before the acts of possessing or keeping in custody prescribed under the same paragraph occurred, any person committing the relevant acts of possessing or keeping in custody

shall still be punished by the penalty as stipulated in the same paragraph.

(5) Any person who has assisted the acts under paragraph (3) shall be punished identically with the said paragraph.

(6) Any person who has concealed, disposed of, or altered the existing state of buried cultural heritage after he/she has discovered such buried cultural heritage and did not file a report thereon in violation of Article 54, shall be punished by imprisonment with labor for no more than three years or by a fine of no more than 30 million won.

(7) In the cases of paragraphs (1) through (6), the relevant cultural heritages shall be confiscated.

Article 105 (Aggravated Crime)

(1) When any person has committed the crimes provided under Articles 101 through 104 by displaying the might of any organization or multitude or by carrying any dangerous objects with them, he/she shall be subject to an aggravated sentence of up to one half of the punishment prescribed in each of the said Articles.

(2) Any person who has led to a death or injury a person managing or protecting designated or provisionally designated cultural heritage by committing the crime under paragraph (1), shall be punished by the death penalty, life imprisonment with labor or imprisonment with labor for no less than five years.

Article 106 (*Mutatis Mutandis* Application of Criminal Act)

Any person who has committed the crime of arson, inundation, damage or destruction against the structures falling under any of the following subparagraphs, shall be punished under Article 165, 178 or 367 of the Criminal Act, and by applying *mutatis mutandis* the provisions related to the said Articles in the same Act:

1. Structures which are designated or provisionally designated cultural heritage; and
2. Structures for protecting the designated or provisionally designated cultural heritage.

Article 107 (Crime of Inundating Historic Sites, etc.)

Any person who has inflicted damage on historic sites, scenic sites, natural monuments or protected zones, which have been designated or provisionally designated by the Administrator of the Cultural Heritage Administration, by inundating them, shall be punished by imprisonment with labor for no less than two years but no more than ten years.

Article 108 (Other Inundating Crimes)

Any person who has inflicted damage on designated cultural heritage, provisionally designated cultural heritage or their protected zones other than those prescribed in Article 107, by inundating them, shall be punished by imprisonment with labor for no more than ten years or by a fine of no

more than 100 million won.

Article 109 (Attempted Criminals, etc.)

(1) Any person who has attempted any crimes under Articles 101 through 104, 105 (1), 107 and 108 shall be punished.

(2) Any person who has provided for or conspired for the purpose of committing any crimes under Articles 101 through 104, 105 (1), 107 and 108, shall be punished by imprisonment with labor for no more than two years or by a fine of no more than 20 million won.

Article 110 (Negligence Criminals)

(1) Any person who has committed the crimes under Article 107 or 108 due to negligence shall be punished by a fine of no more than 10 million won.

(2) Any person who has committed the crimes under Article 104 (3) and (4), 107 or 108 due to any professional negligence or gross negligence, shall be punished by imprisonment without labor for no more than three years or by a fine of no more than 30 million won, and in the case of Article 104 (3) and (4), the relevant cultural heritages shall be confiscated.

Article 111 (Crime of Acts without Permission, etc.)

(1) Any person falling under any of the following subparagraphs shall be punished by imprisonment with labor for no more than five years or by a fine of no more than 50 million won:

1. A person who has captured or gathered animals, plants or minerals without any permission within the districts designated or provisionally designated as scenic sites or natural monuments or their protected zones, or who has carried them out of the relevant districts, in contravention of the provisions of subparagraph 1 of Article 34 (including the case applied *mutatis mutandis* under Article 75 (2));

2. A person who has altered the existing state of designated cultural heritages (including the protected objects, the protected zones and the dead ones from among natural monuments) or provisionally-designated cultural heritages, or who has committed any acts affecting the preservation thereof, in contravention of the provisions of subparagraph 3 of Article 34 (including the case applied *mutatis mutandis* under Articles 42 and 75 (2));

3. A person who has engaged in business activities without permission in contravention of the provisions of Article 77 (1); and

4. A person who has rejected, obstructed or avoided the surface survey for cultural heritage under Article 91 (1) without any justifiable grounds.

(2) Any person falling under any of the following subparagraphs shall be punished by imprisonment with labor for no more than two years or by a fine of no more than 20 million won:

1. In case of any of the subparagraphs of paragraph (1), a person who himself/herself is the owner of the said cultural heritage; and

2. A person who has altered the existing state of registered cultural heritage without permission or modified permission in contravention of the proviso of Article 50 (1).

Article 112 (Crime of Violating Administrative Orders, etc.)

(1) Any person falling under any of the following subparagraphs shall be punished by imprisonment with labor for no more than three years or by a fine of no more than 30 million won, and in the case of subparagraph 3, the relevant object shall be confiscated:

1. A person who has violated, without any justifiable reasons, the order under Article 37 (1) (including the case applied *mutatis mutandis* under Article 75 (2)) or under Article 86 (1);
2. A person who has conducted repair work on cultural heritage without registration, in violation of Article 22 (1) or 26;
3. A person who has engaged in any cultural heritage repair business without registration, in violation of Article 27 (1);
4. A person who has committed, without any permission, any act under subparagraph 1 of Article 34 (including the case applied *mutatis mutandis* under Article 75 (2)); and
5. A person who has introduced or distributed substances harmful to animals' growth, into their habitats, breeding places or migratory places, which have been designated or provisionally designated as natural monuments (including those monuments from among City/Province-designated cultural heritage).

Article 113 (Crime of Obstructing Management Acts, etc.)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with labor for no more than two years or by a fine of no more than 20 million won:

1. A person who has rejected, obstructed or avoided the excavation of buried cultural heritage under Article 57, without any justifiable reasons;
2. A person who has obstructed the managing activities of the managing organizations, or has obstructed the managing activities of the person entitled to manage the designated or provisionally designated cultural heritage, without any justifiable reasons, in violation of Article 16 (4) (including the case applied *mutatis mutandis* under the provisions of Article 75 (2));
3. A person who has refused any cooperation, in contravention of the main sentence of Article 45 (4) (including the cases where the main sentence of Article 45 (4) is applied *mutatis mutandis* under Article 46 (2) and where applied *mutatis mutandis* under Article 75 (2)), or has rejected, obstructed or avoided any performance of duties by the public officials under this Act, without any justifiable reasons, or has furnished false data;
4. A person responsible for the management or preservation of designated or provisionally designated cultural heritage, who has caused any demolition or damages to the relevant cultural heritages due to his/her gross negligence;
5. A person who has spent the subsidy under this Act for any other purpose than the objective for which it was granted;
6. A person who has made a false statement or false report;
7. A person who has made the boundary of the zones designated as designated cultural heritage,

or their protected zones, unidentifiable, by intentionally damaging, moving, or eliminating the landmarks of the said zones, or by any other means;

8. A person who has committed an act under subparagraph 2 of Article 34 (including the case applied *mutatis mutandis* under Article 75 (2)), without permission;

9. A person who has opened cultural heritage to the public in violation of the restrictions on opening to the public imposed by the Administrator of the Cultural Heritage Administration under Article 43 (2), or who has gained access without obtaining permission under Article 43 (5) (including the case applied *mutatis mutandis* under Article 75 (2)); and

10. A person who has refused to comply with the orders, instructions or inspections under Article 55 (6) and (8), 61 (6), 90 or 91 (4), without any justifiable reasons.

Article 114 (Crime of Unqualified Repairs, etc.)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with labor for no more than one year or a fine of no more than 10 million won:

1. A person who has allowed any unqualified person to repair designated cultural heritage in violation of Article 17 (1) (including the case applied *mutatis mutandis* under Article 75 (1));

2. A person who has allowed another person to conduct repair works by using his/her name in violation of Article 20 (3), or leased out his/her repair engineer qualification certificate to another person, or a person who has leased and used the name of a repair engineer or his/her qualification certificate;

3. A person who has been concurrently employed in two or more cultural heritage repair businesses in violation of Article 20 (4); and

4. A person who has allowed another person to contract or conduct repair works by using his/her trade name, or leased out his/her repair business operator registration certificate, or registration passport for a repair business operator in violation of Article 27 (4), or who has leased and used the trade name, repair business operator registration certificate, or registration passport for a repair business operator, etc.

Article 115 (Fine for Negligence)

(1) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence of no more than 5 million won:

1. A person who has failed to file a report as required under subparagraph 6 or 9 of Article 38 (including the case applied *mutatis mutandis* under Article 75 (2)) (including the person who has filed a false report: hereafter in this Article, the same shall apply);

2. A person who has failed to file a report as required under Article 49 (1) 3;

3. A person who has failed to file a report as required under the main sentence of Article 50 (1);

4. A person who has failed to file a report as required under Article 54;

5. A person who has failed to comply with the matters to be observed under Article 80; and

6. A person who has failed to report a termination of business under Article 81.

(2) Any person who has failed to file a report as required under subparagraph 5 of Article 38

(including the case applied *mutatis mutandis* under Article 75 (2)) shall be punished by a fine for negligence of no more than 4 million won.

(3) Any person who has failed to file a report as required under subparagraph 8 of Article 38 (including the case applied *mutatis mutandis* under Article 75 (2)) shall be punished by a fine for negligence of no more than 3 million won.

(4) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence of no more than 2 million won:

1. A person who has failed to file a report on the alterations as required under Articles 22 (2) and 27 (1);
2. A person who has failed to file a report as required under subparagraph 1 through 4 or 7 of Article 38 (including the case applied *mutatis mutandis* under Article 75 (2)); and
3. A person who has failed to file a report as required under Article 49 (1) 1 or 2.

Article 116 (Imposition and Collection of Fine for Negligence)

(1) The fine for negligence under Article 115 shall be imposed and collected by the Administrator of the Cultural Heritage Administration, the Mayor/Provincial Governor, or the head of *Si/Gun/Gu* (hereinafter referred to as the “imposing authority”) as prescribed by the Presidential Decree.

(2) Any person who is dissatisfied with the disposition of a fine for negligence under paragraph (1) may raise an objection to the imposing authority within 30 days from the date of receiving the notice of such disposition.

(3) Where any person subjected to the disposition of a fine for negligence under paragraph (1) makes an objection under paragraph (2), the imposing authority shall promptly notify the competent court thereof, and the court in receipt of such a notice shall bring the case to trial under the Non-Contentious Case Litigation Procedure Act.

(4) If neither an objection is raised nor a fine for negligence paid within the period as prescribed in paragraph (2), it shall be collected by referring to the practices of dispositions on default of national taxes or local taxes.

Article 117 (Joint Penal Provisions)

(1) If the representative of a juristic person, or an agent, an employee or any other employed person of a juristic person has committed such an act as prescribed in Articles 104 through 114 in connection with the affairs, or management of properties, of said juristic person, not only shall such actor be punished accordingly, but the juristic person shall also be punished by a fine under each of the pertinent Articles.

(2) If an agent, an employee or any other employed person of an individual has committed such an

act as prescribed in Articles 104 through 114 in connection with the affairs, or management of properties, of said individual, not only shall such actor be punished accordingly, but the individual shall also be punished by a fine under each of the pertinent Articles.

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ADDENDA

<Act No. 8346, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures for Enforcement Date)

Until the amended provisions of Articles 14 (1) and (3), 61 (1), 77, 80, 82, and subparagraph 7 of Article 100 and Article 115 (1) enter into force under the proviso of Article 1 of this ADDENDA, the corresponding, previous provisions of Article 13 (1) and (3), 48 (1), 61, 64, 65, and subparagraph 7 of Article 79-2 and 93 (1) shall apply.

Article 3 (Transitional Measures for Designated Cultural Heritage, etc.)

(1) Any designated cultural heritage under the previous provisions at the time when Act No. 3644, the revised Cultural Heritage Protection Act, enters into force, shall be deemed to have been designated as State-designated cultural heritage under Act No. 3644, the revised Cultural Heritage Protection Act.

(2) Any local cultural heritage under the previous provisions at the time when Act No. 3644, the revised Cultural Heritage Protection Act, enters into force, shall be deemed to have been designated as City/Province-designated cultural heritage of the relevant City/Province under Act No. 3644, the revised Cultural Heritage Protection Act.

(3) Any cultural heritage dealer possessing permission under the previous provisions at the time when Act No. 3644, the revised Cultural Heritage Protection Act, enters into force, shall be deemed to have obtained permission under Act No. 3644, the revised Cultural Heritage Protection Act.

Article 4 (Transitional Measures for Disposal of Miscellaneous Properties)

(1) The Minister of Culture and Tourism may concede to the spouse of Yi Eun a part of the miscellaneous properties from among the former imperial properties reverted to the State pursuant to the Act on the Properties of the Former Royal Household, which was repealed by Act No. 1265, the amendments to the Protection of Cultural Properties Act.

(2) In the case of conceding the properties under paragraph (1), it shall go through the deliberations of the State Council, after holding a consultation with the Minister of Finance and Economy on the type, extent, etc. of such properties.

Article 5 (Transitional Measures for Registration of Cultural Heritage Repair Engineers, etc.)

(1) The cultural heritage repair engineers, repair technicians or repair business operators who have registered with the Office of Cultural Properties under the previous relevant provisions at the time when Act No. 5073, the amendments to the Cultural Heritage Protection Act, enters into force, shall be deemed to be cultural heritage repair engineers, repair technicians, or repair business operators who have been registered with the Office of Cultural Properties under Act No. 5073, the amendments to the Cultural Heritage Protection Act.

(2) The cultural heritage repair business operators who have registered with the Cultural Heritage Administration under the previous relevant provisions at the time when Act No. 6840, the amendments to the Cultural Heritage Protection Act, enters into force, shall be deemed to have registered with the relevant Mayor/Provincial Governor under Act No. 6840, the amendments to the Cultural Heritage Protection Act.

(3) The cultural heritage repair engineers and repair technicians who have registered with, or reported on the alterations to, the Administrator of the Cultural Heritage Administration under the previous relevant provisions at the time when Act No. 7365, the amendments to the Cultural Heritage Protection Act, enters into force, shall be deemed to have registered with, or reported on the alterations to, the Mayor/Provincial Governor under Act No. 7365, the amendments to the Cultural Heritage Protection Act.

Article 6 (Transitional Measures for the Written Examination in the Qualification Examination for Repair Engineers)

Regarding any person who has been admitted (including those who have been approved for admission), before the enforcement of Act No. 7365, the amendments to the Cultural Heritage Protection Act, into schools established for the purpose of training specialists in traditional culture pursuant to the Presidential Decree from among the schools classified as "Miscellaneous Schools," as provided for under Article 59 of the Higher Education Act, the previous provisions of Article 18-2 (4) 1 (referring to the provisions prior to the revision to Act No. 7365, the amendments to the Cultural Heritage Protection Act) shall apply, notwithstanding Article 18-2 (4) of Act No. 7365, the amendments to the Cultural Heritage Protection Act.

Article 7 (Transitional Measures for Cancellation of Registration, etc. of Repair Engineers and Repair Technicians)

The disposition of the cancellation of registration or suspension of business that was imposed on repair engineers and repair technicians under the previous Articles 18-5 and 18-7 (referring to the provisions prior to the revision to Act No. 7365, the amendments to the Cultural Heritage Protection Act) at the time when Act No. 7365, the amendments to the Cultural Heritage Protection Act, enters into force, shall be deemed as the disposition of the cancellation of registration or suspension of business imposed under Article 18-7 and 18-10 of Act No. 7365, the amendments to the Cultural Heritage Protection Act.

Article 8 (Transitional Measures for Report of Cultural Heritage Dealers)

Any person who has obtained permission to be a cultural heritage dealer under the previous provisions at the time when Act No. 5719, the amendments to the Cultural Heritage Protection Act, shall be deemed to have filed a report on his/her business of trading cultural heritage under the amended provisions of Article 61 of Act No. 5719, the amendments to the Cultural Heritage Protection Act.

Article 9 (Transitional Measures for Permission for Cultural Heritage Dealers)

Any person who has filed a report on his/her business of trading cultural heritage (hereafter referred to as a "cultural heritage dealer" in this Article) under the previous provisions as of July 27, 2007 when Act No. 8278, the partial amendments to the Cultural Heritage Act, enters into force, shall obtain permission for the business of trading cultural heritage under the said Act within six months after the enforcement of the amended provisions of Article 61 of the said Act, or before January 26, 2008: *Provided*, That any cultural heritage dealer who falls under any of the following paragraphs shall be deemed as being qualified as stipulated in the amended provisions of Article 62 of the said Act:

1. A cultural heritage dealer who has kept the books for transactions or exchange, etc. and recorded the details of the business dealings under the previous Article 64 for no less than two years; or
2. A cultural heritage dealer who has not met the minimum two-year requirement among the requirements of subparagraph 1, but has received cultural heritage education at an institution or an organization designated by the Administrator of the Cultural Heritage Administration for no less than six months as provided by the Presidential Decree within one year after the enforcement of Act No. 8278, the partial amendments to the Cultural Heritage Protection Act, or before July 26, 2008.

Article 10 (General Transitional Measures for Administrative Dispositions, etc.)

The acts carried out by or against any administrative organization under the previous provisions at the time of enforcement of this Act shall be regarded as the acts by or against the administrative organizations corresponding thereto under this Act.

Article 11 (Transitional Measures for Penal Provisions and Fines for Negligence)

(1) The previous provisions shall govern in the application of penal provisions against the acts committed before the enforcement of Act No. 3644, the revised Cultural Heritage Protection Act.

(2) The previous provisions shall govern in the application of penal provisions against the acts committed before the enforcement of Act No. 5719, the amendments to the Cultural Heritage Protection Act.

(3) The previous provisions shall govern in the application of fines for negligence against the acts committed before the enforcement of Act No. 6443, the amendments to the Cultural Heritage Protection Act.

Protection Act.

(4) The previous provisions shall govern in the application of penal provisions and fines for negligence against the acts committed before the enforcement of this Act.

Article 12 (Amendments of Other Acts)

(1) A part of the Act on Planning and Use of National Territory shall be amended as follows:

“Articles 6 and 8” in Article 8 (3) 2 (e) shall be “Articles 7 and 9.”

(2) A part of the Act on Creation and Management of Forest Resources shall be amended as follows:

“Article 8” in Article 46 (1) 5 shall be “Article 9.”

(3) A part of the Inheritance Tax and Gift Tax Act shall be amended as follows:

The “cultural heritage protection act” in Article 74 (1) 1 shall be the “Cultural Heritage Protection Act,” “Article 42 (2)” be “Article 47 (2),” and “Article 8 (1)” be “Article 9 (1).”

(4) A part of the Special Act on Prevention of Pine Wilt Disease shall be amended as follows:

“Article 6” in Article 16 (2) shall be “Article 7.”

(5) A part of the Wild Flora and Fauna Protection Act shall be amended as follows:

“Article 6 of the cultural heritage protection act” in the proviso of Article 7 (1) shall be “Article 7 of the Cultural Heritage Protection Act.”

“Article 20 of the cultural heritage protection act” in Article 14 (3) 3 shall be “Article 34 of the Cultural Heritage Protection Act”; and “Article 27 of the cultural heritage protection act” in the proviso of paragraph (5) of the said Article shall be “Article 38 of the Cultural Heritage Protection Act.”

“Article 20 of the cultural heritage protection act” in Article 19 (3) 3 shall be “Article 34 of the Cultural Heritage Protection Act.”

“Article 21 of the cultural heritage protection act” in Article 21 (2) 1 shall be “Article 35 of the Cultural Heritage Protection Act.”

The “cultural heritage protection act” in subparagraph 7 of Article 54 and subparagraph 5 of Article 55 shall be the “Cultural Heritage Protection Act,” and “Article 8” shall be “Article 9.”

(6) A part of the Natural Parks Act shall be amended as follows:

The “cultural heritage protection act” in Article 26 shall be the “Cultural Heritage Protection Act” and “Article 8” shall be “Article 9.”

(7) A part of the Countermeasures against Natural Disasters Act shall be amended as follows:

The “subparagraphs 1 and 4 of Article 20 of the cultural heritage protection act” in Article 49 (4) 11 shall be “subparagraphs 1 and 3 of Article 34 of the Cultural Heritage Protection Act” and the

“proviso of Article 54” shall be the “proviso of Article 70.”

(8) A part of the Electricity Business Act shall be amended as follows:

The “subparagraph 4 of Article 20” in Article 66 (2) 2 shall be “subparagraph 3 of Article 34” and “Article 58” shall be “Article 75.”

(9) A part of the Local Small Town Development and Support Act shall be amended as follows:

The “subparagraphs 1 and 4 of Article 20 of the cultural heritage protection act” in Article 9 (1) 22 shall be “subparagraphs 1 and 3 of Article 34 of the Cultural Heritage Protection Act” and the “proviso of Article 54” shall be the “proviso of Article 70.”

(10) A part of the Balanced Regional Development and Support for Local Small and Medium Enterprises Act shall be amended as follows:

The “subparagraphs 1 and 4 of Article 20” in Article 18 (1) 2 shall be “subparagraphs 1 and 3 of Article 34” and the “proviso of Article 54 of the said Act” shall be the “proviso of Article 70 of the same Act.”

(11) A part of the Framework Act on the Regulation of Land Use shall be amended as follows:

“Article 8” in the Reference Act in Serial No. 90 of the attached table shall be “Article 9”; “Article 13” in the Reference Act in Serial No. 91 of the same table shall be “Article 14”; “Article 42” in the Reference Act in Serial No. 92 of the same table shall be “Article 47”; “Article 55 (1)” in the Reference Act in Serial No. 93 of the same table shall be “Article 71 (1)”; and Article 55 (2)” in the Reference Act in Serial No. 94 of the same table shall be “Article 71 (2).”

(12) A part of the Act on Credit Recognition, etc. shall be amended as follows:

“Article 5 of the cultural heritage protection act” in Article 7 (2) 6 shall be “Article 6 of the Cultural Heritage Protection Act.”

Article 13 (Relation with Other Acts)

In cases where the provisions of the previous Cultural Heritage Protection Act have been cited in other Acts at the time of enforcement of this Act, if there exist any corresponding provisions in this Act, it shall be deemed to have substituted the previous provisions and have cited this Act or the corresponding provisions in this Act.