

ENFORCEMENT DECREE OF THE CULTURAL HERITAGE PROTECTION ACT

[Wholly Amended by Presidential Decree No. 20222, Aug. 17, 2007]

Article 1 (Purpose)

The purpose of this Decree is to provide for the matters delegated by the Cultural Heritage Protection Act and other matters necessary for its enforcement.

Article 2 (Standards for and Notice of Designation and Cancellation, etc.)

(1) When the Administrator of the Cultural Heritage Administration intends to designate a State-designated cultural heritage and the protected objects or protection zones thereof, or recognize any person or organization holding an important intangible cultural heritage or any honorary holder of such important intangible cultural heritage under the provisions of Articles 5 through 9 of the Cultural Heritage Protection Act (hereinafter referred to as "the Act"), he/she shall follow the criteria and procedure, as prescribed by the Ordinance of the Ministry of Culture and Tourism.

(2) The following relevant matters shall be specified in the notice of designation of a State-designated cultural heritage and the notice of recognition of any person or organization holding an important intangible cultural heritage or any honorary holder thereof under Article 10 of the Act, and in the notice of cancellation of such designation or recognition under Article 13 (5) of the Act:

1. The classification, designated number, name, quantity, and location or place of custody of such State-designated cultural heritage;
2. The name, quantity and location of the protected objects or protection zones thereof;
3. The full name and address of the owner or occupant of such State-designated cultural heritage, and the protected objects or protected zones thereof;
4. The full name, sex, date of birth, and address or the date of death of the holder or honorary holder of such important intangible cultural heritage (or in the case of an organization holding such important intangible cultural heritage, referring to the name, address, date of establishment of such organization and the full name, gender, date of birth and address of its representative); and
5. The reasons for such designation, recognition or cancellation.

Article 3 (Presentation of Information Pertaining to Designation)

When any cultural heritage is deemed worthy of designation under the provisions of Articles 5 through 9, 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") shall promptly send a report to such effect to the Administrator of the Cultural Heritage Administration, together with information such as photographs, drawings and sound recordings, which is required for such designation under the Ordinance of the Ministry of Culture and Tourism.

Article 4 (Provisional Designation)

If the Administrator of the Cultural Heritage Administration provisionally designates important cultural heritages pursuant to Article 14 (1) of the Act, such designation shall be made by classifying

them into historic sites, scenic sites, or natural monuments as specified in Article 7 of the Act, or important folklore materials as specified in Article 8 of the Act.

Article 5 (Formulation of Plans for Preservation, Management and Utilization of Cultural Heritage)

(1) Basic plans for the preservation, management and utilization of State-designated cultural heritage as set forth in Article 15 of the Act (hereinafter referred to as “basic plans”) shall include the following subparagraphs:

1. Matters relating to the repair and maintenance of State-designated cultural heritage;
2. Matters relating to protection of the environment surrounding State-designated cultural heritage; and
3. Any other matters necessary for the preservation, management and utilization of State-designated cultural heritage.

(2) Where it is deemed necessary for the formulation of basic plans, the Administrator of the Cultural Heritage Administration may request the Mayor/Provincial Governor to submit information on the State-designated cultural heritage within his/her jurisdictional area.

(3) When so requested as set forth in paragraph (2), the Mayor/Provincial Governor shall submit such information within six months after such request has been made.

(4) When the Administrator of the Cultural Heritage Administration intends to formulate basic plans, he/she shall refer the matter to the Cultural Heritage Committee for deliberation under the provisions of Article 4 of the Act.

Article 6 (Repair)

For the purposes of Article 17 of the Act, “repair” means repair and restoration of State-designated heritage, survey and design therefor, and any other measures meant to prevent damage thereto.

Article 7 (Types and Responsibilities of Cultural Heritage Repair Engineers)

(1) The types and responsibilities of cultural heritage repair engineers as provided in Article 17 (3) of the Act (hereinafter referred to as “repair engineers”) shall be the same as specified in the attached Table 1.

(2) Any repair engineer, as referred to in paragraph (1), may be employed by a survey and supervision business operator set forth in Article 9 to supervise the repair of cultural heritage in his/her relevant specialty.

Article 8 (Types and Responsibilities of Cultural Heritage Repair Technicians)

The types and responsibilities of cultural heritage repair technicians, as provided in Article 17 (3) of the Act (hereinafter referred to as “repair technicians”), shall be the same as specified in the attached Table 2.

Article 9 (Types and Responsibilities of Cultural Heritage Repair Business Operators)

The types and responsibilities of cultural heritage repair business operators, as provided in Article 17 (3) of the Act (hereinafter referred to as “repair business operators”), shall be the same as specified in the attached Table 3.

Article 10 (Notice of Repair Standards, etc.)

When the Administrator of the Cultural Heritage Administration has established, changed or abolished the standards for survey and design for the repair of State-designated cultural heritage and payment for such services, as prescribed in Article 17 (4) of the Act, he/she shall publish a notice of the decision in the Official Gazette.

Article 11 (Administration and Public Notice, etc. of Qualification Examination for Cultural Heritage Repair Engineers)

(1) The qualification examination for cultural heritage repair engineers under the provisions of Article 18 (2) of the Act (hereinafter referred to as the “technical qualification examination”) shall be administered at least once a year by the Administrator of the Cultural Heritage Administration: *Provided*, That where administration of the examination is deemed inappropriate in view of the demand and supply of such repair engineers, the examination may not be administered that particular year after deliberation by the Technical Qualification Examination Committee, as stipulated in Article 15.

(2) When the Administrator of the Cultural Heritage Administration intends to administer the technical qualification examination pursuant to the main provisions of paragraph (1), he/she shall publish a public notice thereof, specifying the following details, in one or more daily newspapers registered as having nationwide distribution at least 30 days prior to the date of the examination, pursuant to Article 12 (1) of the Act Governing the Guarantee of Freedom and Functions of Newspapers, etc.

1. Eligibility criteria for the examination;
2. The date, time and place of the examination;
3. Subjects covered in the examination;
4. Date, time, method and place of announcement of successful applicants;
5. The time and place where paper application forms will be available and time and place where the completed application forms will be received; and
6. Such other matters as are necessary for administration of the examination.

(3) Any person who intends to sit for the technical qualification examination (including any person who intends to be exempted from all or part of the written examination set forth in Article 18 (4) and (5) of the Act) shall submit to the Administrator of the Cultural Heritage Administration the completed application form, together with the required documents, as stipulated by the Ordinance of the Ministry of Culture and Tourism.

Article 12 (Methods and Subjects of Written Examination, etc.)

(1) The written examination under Article 18 (3) of the Act shall be composed of objective multiple-

choice tests and subjective essay-type tests.

(2) The subjects covered in the written examination by type of repair engineer and test methods by subject under paragraph (1) shall be the same as specified in the attached Table 4.

(3) The written-examination subjects for which exemption may be granted under Article 18 (4) of the Act shall be the same as specified in the attached Table 5.

Article 13 (Interviews)

(1) Only successful applicants of the written examination under Article 18 (3) of the Act and those exempted from the written examination under Article 18 (5) may be considered for the interview under Article 18 (3).

(2) The interview under paragraph (1) shall evaluate the applicant in each of the following subparagraphs:

1. The applicant's technical expertise and applied ability in the relevant type of technical specialty;
2. The applicant's understanding of history and cultural heritage;
3. The applicant's sense of mission and awareness of his/her role as a repair engineer; and
4. The applicant's sense of professional ethics.

Article 14 (Decision on Successful Applicants and Public Notice Thereof)

(1) In the written examination under Article 18 (3) of the Act, successful applicants shall be those who have obtained not less than 40 points out of 100 possible points per subject, and not less than 60 points in overall average score on all subjects.

(2) In the interview, successful applicants shall be those who have obtained not less than 40 points out of 100 possible points per interviewer, and not less than 60 points in overall average score across all interviewers.

(3) When the final successful applicants have been determined, the Administrator of the Cultural Heritage Administration shall give public notice thereof, and further notify the successful applicants.

Article 15 (Establishment of Technical Qualification Examination Committee)

(1) If it is necessary to investigate and deliberate matters concerning the administration of the technical qualification examination, the Administrator of the Cultural Heritage Administration may establish and operate the Technical Qualification Examination Committee.

(2) Necessary matters concerning the establishment and operation of the Technical Qualification Examination Committee, as referred to in paragraph (1), shall be determined by the Administrator of the Cultural Heritage Administration.

Article 16 (Public Notice of Revocation of Qualification)

In the event the Administrator of the Cultural Heritage Administration revokes the qualification of a repair engineer or technician under Article 21 or 25 of the Act, he/she shall publish public notice thereof in the Official Gazette, specifying the following information on the person whose qualification has been revoked:

1. The person's full name;
2. The person's specialty and qualification number; and
3. The contents, causes and grounds for the disposition.

Article 17 (Requirements for Registration of Repair Business Operators)

(1) Any person who wishes to register a cultural heritage repair business under Article 27 (1) of the Act shall employ at least one repair technician and at least one full-time, permanent repair engineer in accordance with the Ordinance of the Ministry of Culture and Tourism.

(2) Any person who wishes to register as a repair business operator specializing in decorative painting of Korean traditional buildings (*dancheong*); survey and design business operator; landscape business operator; survey and supervision business operator; or sampling and mounting business operator under Article 27 (1) shall possess the qualifications or requirements that fall under any of the following subparagraphs, besides satisfying the requirements under paragraph (1):

1. Repair business operators specializing in decorative painting of Korean traditional buildings shall possess the requirements that fall under any of the following items:

(a) Any person who has registered a civil engineering and construction works business under the general construction industry, as specified in the Framework Act on the Construction Industry; or

(b) Any person who has registered a civil engineering works business and building construction works business, as specified in the Framework Act on the Construction Industry;

2. A survey and design business operator shall be any person who is a survey and design engineer under Article 7 (1) and has reported to practice as an architect under the provisions of the Certified Architects Act;

3. A landscape business operator shall possess the requirements that fall under any of the following items:

(a) Any person who has registered a landscaping works business under the general construction industry, as provided in the Framework Act on the Construction Industry; or

(b) Any person who has registered a landscape planting works business or landscape facility installation works business under the specialized construction industry, as provided in the Framework Act on the Construction Industry;

4. A survey and supervision business operator shall be any person who has registered as a survey and design business operator; or

5. A sampling and mounting business operator shall be any person who has registered as a mounting business operator as provided in the Protection and Hunting of Wild Birds and Animals Act.

Article 18 (Public Notice of Revocation of Registration, etc.)

(1) Where the Mayor/Provincial Governor has revoked the registration of a repair engineer or technician, or ordered a repair engineer or technician to suspend practice under Article 23 or 26 of

the Act, he/she shall publish public notice thereof, specifying the following information:

1. The person's full name;
2. The specialty for which the person was qualified and the qualification number; and
3. The contents, causes and grounds for the disposition.

(2) Where the Mayor/Provincial Governor has revoked the registration of a repair business operator, or ordered a repair business operator to suspend business operation under Article 28 of the Act, he/she shall publish public notice thereof, specifying the following details, in one or more daily newspapers registered as having nationwide distribution in accordance with Article 12 (1) of the Act Governing the Guarantee of Freedom and Functions of Newspapers, etc.:

1. The trade name;
2. The full name (in the case of a legal entity, referring to the full name of its representative);
3. Business type and registration number;
4. The location; and
5. The contents, causes and grounds for the disposition.

Article 19 (Cultural Heritage Repair Service Projects, etc. Subject to Evaluation)

(1) The cultural heritage repair service projects (hereinafter referred to as "service projects") and cultural heritage repair works (hereinafter referred to as "repair works") subject to evaluation under Article 29 (1) of the Act shall be as follows:

1. Service projects: Projects with a contract price of 30 million won or more; or
2. Repair works: Works with a contract price of one billion won or more

(2) Notwithstanding the provisions of paragraph (1), the Administrator of the Cultural Heritage Administration or the head of the local government who has placed an order for repair works under Article 29 (1) of the Act (hereinafter referred to as the "order-placing authority") may conduct an evaluation of the repair works of any cultural heritage designated as a national treasure or treasure, in light of its historical, academic and architectural characteristics, even if it does not fall under paragraph (1) 2 of this Article.

Article 20 (Establishment and Operation of Cultural Heritage Technical Committee)

(1) The Administrator of the Cultural Heritage Administration and the Mayor/Provincial Governor may set up and operate a Cultural Heritage Technical Committee (hereinafter referred to as the "Technical Committee") under his/her control respectively, in order to secure fairness and expertise in the evaluation of service projects and repair works.

(2) Any order-placing authority that intends to evaluate a repair service project or repair works under Article 29 (1) of the Act shall refer the matter to the Technical Committee for deliberation. In this case, if the order-placing authority is the head of *Si/Gun/Gu* (referring to the head of autonomous *Gu*; hereinafter the same shall apply), he/she shall refer the matter for deliberation to the Technical Committee under the control of the Mayor/Provincial Governor who has jurisdiction over such *Si/Gun/Gu*.

(3) Necessary matters concerning the composition and operation, etc. of the Technical Committee shall be prescribed by the Ordinance of the Ministry of Culture and Tourism: *Provided*, That with respect to the Technical Committee under the Mayor/Provincial Governor, such matters shall be prescribed by the municipal ordinance of the local government concerned.

Article 21 (Defect Liability Period by Type of Repair Works)

The defect liability period by type of repair works under Article 30 (1) of the Act shall be the same as specified in the attached Table 6.

Article 22 (Entrustment of Authority)

In accordance with Article 32 (1) of the Act, the Administrator of the Cultural Heritage Administration shall entrust works prescribed in the following subparagraphs to the Human Resources Development Service of Korea under the Act on Human Resources Development Service of Korea:

- (1) Technical qualification examination under Article 18 of the Act;
- (2) Management of qualification certificates of repair engineers and repair technicians under Articles 20 and 25 of the Act; and
- (3) Skill qualification examination under Article 24 of the Act.

Article 23 (Criteria and Procedures for Permission to Alter Existing State, etc.)

(1) Any person who intends to obtain the permission of the Administrator of the Cultural Heritage Administration under Article 34 of the Act shall submit an application for permission, specifying the classification, designated number, name, quantity and location of such State-designated cultural heritage, to the Administrator of the Cultural Heritage Administration through the competent head of *Si/Gun/Gu* and the Mayor/Provincial Governor, and the same shall apply in case of applying for making any alteration to such permitted matters: *Provided*, That application for permission for activities falling under Article 34 (2) of the Act or application for permission for making any alteration to such permitted matters may be filed without going through the head of the competent *Si/Gun/Gu* and the Mayor/Provincial Governor.

(2) Upon receipt of an application as specified in paragraph (1), the Administrator of the Cultural Heritage Administration shall grant permission only when the activities subject to permission meet each of the following criteria:

1. The activity shall not affect the preservation and management of the cultural heritage;
2. The activity shall not cause damage to the natural environment and aesthetic appearance of the area surrounding the cultural heritage; and
3. The activity shall be consistent with the basic plans and detailed implementation plans for the preservation, management, and utilization of cultural heritage as set forth in Article 15 of the Act.

(3) When the Administrator of the Cultural Heritage Administration intends to grant permission under paragraph (2), he/she shall notify the applicant of the permission in writing, specifying the applicant's full name, the cultural heritage subject to permission, permitted matters, the period of permission, and the conditions for permission through the competent Mayor/Provincial Governor

and head of *Si/Gun/Gu*.

Article 24 (Training for Transfer of Important Intangible Cultural Heritage)

(1) The Administrator of the Cultural Heritage Administration may allow persons or organizations holding an important intangible cultural heritage to issue certificates of completion in training for the transfer of the relevant important intangible cultural heritage to persons deemed to have achieved an appropriate proficiency level in the relevant craft skills or arts, after deliberation on such craft skills or arts of any person who has received three years or more training for the transfer of the relevant important intangible cultural heritage under Article 36 (2) of the Act.

(2) Where any person or organization holding an important intangible cultural heritage conducts deliberation on craft skills and arts for the issuance of certificates of completion in training for the transfer of important intangible cultural heritage under the provisions of paragraph (1), at least three persons, including the holder of the relevant important intangible cultural heritage and experts with extensive knowledge and experience in such heritage, shall participate in the deliberation, and the relevant evaluation records on craft skills and arts shall be maintained for five years.

(3) The persons or organizations holding important intangible cultural heritage that have issued certificates of completion in training for the transfer of important intangible cultural heritage under paragraph (1) shall notify the Administrator of the Cultural Heritage Administration of such fact within one month thereafter.

Article 25 (Teaching Assistants for Training for Transfer of Important Intangible Cultural Heritage)

(1) In order to assist training for the transfer of important intangible cultural heritage conducted by persons or organizations holding an important intangible cultural heritage, the Administrator of the Cultural Heritage Administration may select, in accordance with the Ordinance of the Ministry of Culture and Tourism, teaching assistants from among the persons who have received a certificate of completion under the provisions of Article 24.

(2) Teaching assistants for training for the transfer of important cultural heritage under the provisions of paragraph (1) may be provided, within budget limits, with the expenses for assisting such training.

Article 26 (Scholarship Trainees)

(1) The Administrator of the Cultural Heritage Administration shall decide, after deliberation by the Cultural Heritage Committee, specific important intangible cultural heritage categories in each field, where scholarship awards may be provided to the trainee who receives the training under the provisions of Article 36 (4) of the Act.

(2) The Administrator of the Cultural Heritage Administration may, upon recommendation by the person or organization holding an important intangible cultural heritage, select the scholarship trainee from among the persons receiving training for the transfer of such category of important

intangible cultural heritage falling under those specified in paragraph (1).

(3) When any person who has been selected as a scholarship trainee under paragraph (2) falls under any of the following subparagraphs, the person or organization holding the relevant heritage shall promptly report such occurrence to the Administrator of Cultural Heritage Administration:

1. When he/she is unable to receive training for transfer of the important intangible cultural heritage due to physical or mental disability or any other reasons; or
2. When he/she has shown poor performance in the training.

(4) The Administrator of the Cultural Heritage Administration shall suspend payment of scholarship awards if the scholarship trainee falls under any of the subparagraphs of paragraph (3).

(5) Necessary matters concerning the selection criteria, the period of such training, recommendation, etc. on scholarship trainees shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 27 (Report on Appointment of Manager, etc.)

Any person who intends to file a report on a State-designated cultural heritage under the provisions of Article 38 of the Act shall submit such report on the appointment of a manager, etc., specifying the classification, designated number, name, quantity and location, etc. of the heritage concerned, to the Administrator of the Cultural Heritage Administration through the competent head of *Si/Gun/Gu* and Mayor/Provincial Governor within 15 days after such occurrence: *Provided*, That in the case of Article 38 (9) of the Act, such report may be submitted within three months from the date of such occurrence.

Article 28 (Compensation for Losses)

(1) Any person who intends to receive compensation for losses under Article 40 of the Act shall submit to the Administrator of the Cultural Heritage Administration an application, specifying the classification, designated number, name, quantity, location or place of custody of the State-designated cultural heritage, and the reasons for such request, together with documentary evidence.

(2) The Administrator of the Cultural Heritage Administration shall, upon receipt of such request under paragraph (1), compensate for such losses after investigating the fact and determining that the loss has occurred for reasons beyond the control of the owner, holder, manager or managing organization.

Article 29 (Entrustment of Routine Investigation, etc.)

Where the Administrator of the Cultural Heritage Administration intends to entrust routine investigations and reinvestigations of State-designated cultural heritage under the provisions of Article 45 (7) of the Act, he/she shall entrust the work to any of the following institutions or organizations.

1. The National Research Institute of Cultural Heritage, the Korean National University of Cultural

Heritage, the National Palace Museum of Korea, or the National Maritime Museum;

2. A legal entity or organization established for investigation, research, education, repair or academic activities related to cultural heritage; or

3. A museum specified in Article 10, 12 or 14 of the Museum and Art Gallery Promotion Act.

Article 30 (Standards and Procedures for Alteration to Existing State of Registered Cultural Heritage)

(1) Any person who intends to obtain permission for any alteration to the existing state of a registered cultural heritage or an alteration in permitted matters under the proviso of Article 50 (1) of the Act shall submit an application for permission, specifying the registration number, name, quantity and location of the relevant registered cultural heritage to the Administrator of the Cultural Heritage Administration through the competent head of *Si/Gun/Gu* and Mayor/Provincial Governor.

(2) When the Administrator of the Cultural Heritage Administration receives an application for permission under paragraph (1), he/she shall grant permission only when the activity subject to permission does not affect the basic style, structure, and characteristics of the registered cultural heritage.

(3) Where the Administrator of the Cultural Heritage Administration intends to grant permission under paragraph (2), he/she shall notify the applicant with a letter of permission, specifying the applicant's name, the cultural heritage subject to permission, permitted matters, permission period, and conditions for permission through the competent Mayor/Provincial Governor and competent head of *Si/Gun/Gu*.

Article 31 (Building Coverage Ratio and Floor Space Index, etc. of Registered Cultural Heritage)

(1) The maximum limits of building coverage ratio and floor space index for the use area of a registered cultural heritage under Article 51 of the Act shall be determined in light of the structure, characteristics, and aesthetic appearance of the neighborhood of the relevant registered cultural heritage within 150 percent of such maximum limits for building coverage ratio and floor space index for each use area as prescribed by the provisions of Articles 84 and 85 of the Enforcement Decree of the Act on Planning and Use of National Territory; but the specific ratios shall be determined by the Municipal Ordinance of the competent local government.

(2) In cases where the head of the local government has granted a building permit by applying the special exception to building coverage ratio and floor space index under the provisions of paragraph (1), he/she shall notify thereof to the Administrator of the Cultural Heritage Administration within 15 days from the date of such permit.

Article 32 (Report on Discovery)

(1) The report on the discovery of buried cultural heritage pursuant to the provisions of Article 54 of the Act shall be made within seven days from the date of discovery.

(2) The report under paragraph (1) may be made through any of the following agencies. In this case, the date reported to the competent agency shall be regarded as the date reported to the Administrator of the Cultural Heritage Administration under Article 54 of the Act:

1. The Mayor/Provincial Governor;
2. The head of *Si/Gun/Gu*; and
3. The chief of a police station.

(3) The agency which has received the report on the discovery of a buried cultural heritage under paragraph (2) shall immediately notify the Administrator of the Cultural Heritage Administration thereof.

Article 33 (Scope of Construction Works)

The scope of "construction works prescribed by the Presidential Decree" under Article 55 (1) 2 of the Act shall be as in the following subparagraphs: *Provided*, That subparagraphs 2 and 4 apply only to the cases where the original features of the earth's surface are altered:

1. Construction work under the subparagraph 4 of Article 2 of the Framework Act on the Construction Industry;
2. Electrical work under the Electrical Construction Business Act;
3. Information and communication work under the Information and Communication Work Business Act;
4. Fire protection system work under the Fire Protection System Work Business Act;
5. Planting or felling of standing trees and bamboo; and
6. Other alterations (referring to cutting the ground, reclamation of the ground, digging, collecting aggregate, collecting minerals, dredging, submerging, and land filling) of the original features of the land or sea bottom (referring to the inland waters under the provisions of subparagraph 1 of Article 2 of the Inland-Water Fisheries Act and the coastal waters under the provisions of subparagraph 2 of Article 2 of the Coastal Management Act; hereinafter the same shall apply).

Article 34 (Application for Permission for Excavation)

(1) A person who intends to obtain either permission for excavation of a buried cultural heritage or permission to alter the current state of the excavated buried cultural heritage under the proviso of Article 55 (1) or the provisions of paragraph (8) of the said Article of the Act, shall submit an application for permission provided by the Ordinance of the Ministry of Culture and Tourism with the following items (including any following items made in the form of electronic documents) to the Administrator of the Cultural Heritage Administration through the head of *Si/Gun/Gu* and the Mayor/Provincial Governor:

1. A written excavation plan (including an explanation of the purpose of and pertinent reasons for the excavation, description of the existing state and photographs of the buried cultural heritage, the methods of excavation, the organization of the excavation team, and the budget statement);
2. Copies of the cadastre of the forest or land to be excavated;
3. Written consent of the owner and the manager of the land, or of the occupant of the land or the sea surface area; and
4. Design documents regarding the excavation (including a description of the scope, location, etc.

of the excavation)

(2) The relevant public official in receipt of the application pursuant to paragraph (1) herein shall confirm the certified copy of the cadastre of the land or forest through joint use of administrative information under Article 21 (1) of the Act on Promotion of the Digitalization of Administrative Affairs, etc. for the Creation of a Digital Government: *Provided*, That if the applicant does not agree to the confirmation, the said copies shall be attached.

(3) When the Administrator of the Cultural Heritage Administration intends to grant permission under the proviso of Article 55 (1) of the Act, or under paragraph (8) of the said Article, he/she shall notify the applicant of the permission in writing, specifying the applicant's full name, the site to be excavated, permitted matters, and the conditions for permission through the competent Mayor/Provincial Governor and head of *Si/Gun/Gu*.

Article 35 (Period of Restriction on Permission for Excavation)

The periods in which permission for excavation is restricted under the provisions of Article 55 (4) 1 of the Act shall be the same as specified in the attached Table 7.

Article 36 (Scope of Construction Work Receiving State or Local Government Support for Excavation Expenses)

In the proviso of Article 55 (7) of the Act, the term "construction work as prescribed by the Presidential Decree" means construction work falling under any of the following subparagraphs:

1. Construction work to build a detached house as provided in subparagraph 1 of the appended Table 1 of the Enforcement Decree of the Building Act, covering a site area of no more than 792 square meters and total floor space of no more than 264 square meters: *Provided*, that any construction work undertaken by the State, any local government, the Korea National Housing Corporation, the Korea Land Corporation, any local corporation established for the purpose of running a housing construction business in accordance with Article 49 of the Local Public Enterprises Act, and any housing builder registered in accordance with the main sentence of Article 9 (1) of the Housing Act shall be excluded there from;

2. Construction work to build facilities on a site area of no more than 2,644 square meters and total floor space of no more than 1,322 square meters which are installed by farmers and fishermen to utilize them for their businesses under the provisions of Article 3 of the Enforcement Decree of the Act on Special Measures for Development of Agricultural and Fishing Villages;

3. Construction work to build any structure with a site area of no more than 792 square meters and total floor space (excluding underground area) of no more than 264 square meters which is constructed by individual entrepreneurs to utilize them for business objectives;

4. Construction work that cannot be undertaken as the Administrator of Cultural Heritage Administration directs necessary matters to preserve and manage newly excavated cultural heritage in accordance with Article 55 (6) of the Act: *Provided*, That the construction work done by the State, any local government, any public corporation provided by the Ordinance of the Ministry of Culture and Tourism or a company larger than the scope of the small- and medium-sized company provided for in Article 3 of the Enforcement Decree of the Framework Act on Small and Medium

Enterprises Act shall be excluded there from;

5. Construction work to build a factory as provided under subparagraph 1 of Article 2 of the Act on the Promotion of Industrial Clusters and Establishment of Factories which has a site area of no more than 2,644 square meters and total floor space of no more than 1,322 square meters; or

6. Construction work where, after an excavation has been completed, another excavation has been implemented because of new cultural heritages discovered during the course of the construction project: *Provided*, That construction work done by the State, any local government or any public corporation provided by the Ordinance of the Ministry of Culture and Tourism shall be excluded there from.

Article 37 (Notice of Excavation by State)

In a case where the Administrator of the Cultural Heritage Administration issues a notice of excavation to the owner or occupant of the land under Article 57 (2) of the Act, he/she shall issue the notice at least two weeks prior to the date of the commencement of the excavation.

Article 38 (Publication of Standards for Service Costs for Surveying Buried Cultural Heritage)

When the Administrator of the Cultural Heritage Administration sets the standards for service costs for surveying buried cultural heritage under the provisions of Article 58 of the Act, he/she shall publish them in the Official Gazette.

Article 39 (Public Notice on the Buried Cultural Heritage)

(1) The Administrator of the Cultural Heritage Administration shall post a public notice on an excavation or discovery of cultural heritage on the bulletin board or the Internet for no less than seven days as prescribed in the pre-proviso part of Article 59 (3) of the Act.

(2) Matters concerning the methods and procedures of posting such public notice under paragraph (1) herein shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 40 (Procedures for Adjudicating the Ownership of Cultural Heritage)

(1) Any person who intends to claim ownership of the cultural heritage under Article 61 (1) of the Act shall submit to the Administrator of the Cultural Heritage Administration within the period of the public notice, an application for ownership examination as well as documents that can prove his/her ownership.

(2) If the Administrator of the Cultural Heritage Administration receives the application under paragraph (1), he/she shall decide whether the applicant is entitled to ownership of the cultural heritage concerned within 60 days from the expiration of the notice period through deliberation by the Examination Committee for Ownership Restitution under Article 41 after examining and reviewing the documents attesting to the ownership: *Provided*, That the decision period may be extended in any of the following cases:

1. When additional investigation or opinion hearing is required in order to decide the existence of ownership; or
2. When the claimant, a stakeholder, or an organization concerned has asked the extension of period required for the submission of documents.

Article 41 (Organization and Operation of Examination Committee for Ownership Restitution)

(1) The Examination Committee for Ownership Restitution shall be established within the Cultural Heritage Administration in order to examine the ownership of cultural heritage.

(2) Matters necessary for the organization, operation, etc. of the Examination Committee for Ownership Restitution, under paragraph (1), shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 42 (Disposition of Indemnity for Cultural Heritages Reverted to the State)

(1) In cases where indemnity is disbursed under Article 61 (2) of the Act, if there is a person who has incurred expenses for discovering or finding the concerned cultural heritage reverted to the State, the amount equivalent to the expenses shall be disbursed to such person and the balance thereof shall be divided and disbursed equally to the discoverer thereof, the finder, and the owner of the land or building where the cultural heritage was discovered.

(2) When the Administrator of the Cultural Heritage Administration has determined the amount of indemnity under Article 61 (5) of the Act, he/she shall notify the persons subject to payment of indemnity of such amount.

(3) Any person subject to payment of indemnity who has received a notice of the amount of indemnity under paragraph (2) shall submit a written claim for indemnity for the discovered buried cultural heritage to the Administrator of the Cultural Heritage Administration, the Mayor/Provincial Governor or the head of *Si/Gun/Gu*.

(4) When the Mayor/Provincial Governor or the head of *Si/Gun/Gu* has accepted a written claim for indemnity for the discovered buried cultural heritage under paragraph (3), he/she shall submit it to the Administrator of the Cultural Heritage Administration.

Article 43 (Subject to Prior Consultation and Scope of Development Project)

(1) The term "juristic person prescribed by the Presidential Decree" in Article 62 (1) means a public corporation established with permission from a competent administrative office under the provisions of Article 32 of the Civil Act or under other Acts.

(2) The term "development project prescribed by the Presidential Decree" in Article 62 (1) of the Act means construction work stipulated under each of the subparagraphs of Article 33 with a project

area of no less than 150,000 square meters: *Provided*, That the area of construction work falling any of the subparagraphs 2 through 4 of Article 53 (2) herein shall be excluded from the project area.

Article 44 (Prior Consultation for Designation of City/Provincial Intangible Cultural Heritage)

(1) When the Mayor/Provincial Governor intends to hold prior consultation with the Administrator of the Cultural Heritage Administration under the provisions of the proviso of Article 71 (1) of the Act, he/she shall submit to the said Administrator the information including the contents of each of the following subparagraphs:

1. The name of the important intangible cultural heritage to be designated as a City/Province-designated Cultural Heritage, and the full name and address of the holder of such important intangible cultural heritage to be recognized (or, in case of an organization holding such important intangible cultural heritage, referring to its name, the date of its establishment, and the full name and address of its representative);

2. A description of the holder's (or holding organization's) career history in the transmission of the cultural heritage to be recognized (including recent photos of the holder or the representative of the holding organization) and the records of his/her (or its) activities; and

3. A description of the background and necessity for the designation as a City/Province-designated Cultural Heritage.

(2) When the Administrator of the Cultural Heritage Administration receives a request for a prior consultation as prescribed in paragraph (1), he/she shall review the appropriateness of the requested designation of the said cultural heritage and the recognition of the said holder (or holding organization), and notify the result thereof to the relevant Mayor/Provincial Governor through a deliberation of the Cultural Heritage Committee as provided in Article 4 of the Act.

Article 45 (Report)

The Mayor/Provincial Governor shall make a report under Article 74 (1) of the Act within fifteen days from the date after the event.

Article 46 (Permission for the Business of Cultural Heritage Transactions)

(1) Tangible cultural heritage or tangible folklore materials that belong to movables pursuant to the provisions of Article 77 (1) of the Act shall be those more than fifty years old.

(2) Any person who intends to obtain permission for the business of trading cultural heritage under Article 77 (1) of the Act shall submit an application for permission to the competent head of *Si/Gun/Gu* as prescribed by the Ordinance of the Ministry of Culture and Tourism.

(3) Any cultural heritage dealer shall file a report on the status of the preservation, transaction, or exchange of the cultural heritage under Article 77 (2) of the Act, with the head of *Si/Gun/Gu* as prescribed by the Ordinance of the Ministry of Culture and Tourism no later than January 31st of the following year.

(4) The head of *Si/Gun/Gu* who has received the report under paragraph (3) shall submit a report on what has been reported to him/her to the Mayor/Provincial Governor who shall in turn report it to the Administrator of the Cultural Heritage Administration no later than February 28th of the following year.

Article 47 (Scope of Agencies for Criminal Investigation)

(1) The agencies for criminal investigation pursuant to the provisions of Article 84 (1) of the Act shall be as follows:

1. A public prosecutor;
2. A judicial police officer pursuant to the provisions of Article 196 of the Criminal Procedure Act;
3. A person who performs the duty of a judicial police officer pursuant to the provisions of Article 47 of the Public Prosecutor's Office Act;
4. A state public official or local public official pursuant to the provisions of subparagraph 16 of Article 5 of the Act on Persons Performing the Duties of Judicial Police Officials and the Scope of Their Duties; and
5. A customs officer pursuant to the provisions of Article 295 of the Customs Act.

(2) Any person falling under any of the subparagraphs of paragraph (1) shall not be deemed an informant pursuant to the provisions of Article 84 (1) of the Act.

Article 48 (Treatment of Given Information)

Criminal investigation agencies which receive information under Article 84 (1) of the Act shall make a written report of the informative investigations as prescribed by the Ordinance of the Ministry of Culture and Tourism, and submit it to the Administrator of the Cultural Heritage Administration.

Article 49 (Grant of Reward Money)

(1) The standards for granting the reward money under the provisions of Articles 84 (1) and (2) of the Act shall be as follows:

Grade	Amount of Reward Money
Grade 1	20 million won
Grade 2	15 million won
Grade 3	10 million won
Grade 4	5 million won
Grade 5	2 million won

(2) The standards for determining the grade of reward money to be granted pursuant to the provisions of paragraph (1) shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 50 (Distribution of Reward Money)

(1) Fifty percent of the total reward money determined according to the type of crime under Article 49 shall be granted to a person who has provided information about the crime, and fifty percent

thereof shall be granted to a person who has provided assistance in arresting an offender.

(2) In the case of paragraph (1), where there are two or more persons who have provided information or provided assistance in arresting the offender, or in cases where there are two or more persons who have discovered and reported buried cultural heritage under Article 84 (2) of the Act, the Administrator of the Cultural Heritage Administration shall determine the proportions in which the reward money is to be divided taking into consideration the relative importance of the contribution of each person: *Provided*, That where the persons to be granted the reward money mutually agree to the division of the reward money in advance, the Administrator of the Cultural Heritage Administration may comply with such agreements.

Article 51 (Delegation of Authority)

The Administrator of the Cultural Heritage Administration shall delegate his/her authority with respect to the following matters to the Mayor/Provincial Governor in accordance with Article 85 of the Act:

1. Permission for the act and the cancellation thereof published by the Administrator of the Cultural Heritage Administration from among the permission and the cancellation thereof provided in subparagraph 1 of Article 34 of the Act;

2. Permission for the act of taking pictures of State-designated cultural heritage (excluding State-designated cultural heritages that are made inaccessible to the public under Article 43 (2) of the Act) and the cancellation thereof from among the permission and the cancellation thereof under subparagraph 2 of Article 34 of the Act;

3. Permission for the act falling under any of the following items and the cancellation thereof from among the permission and the cancellation thereof under subparagraph 3 of Article 34 of the Act: *Provided*, That the permission and cancellation whose object is the State-designated cultural heritage concerned shall be excluded:

(a) The repair of a structure to its original form;

(b) The repair of a Korean-style wall or fence built in the traditional style to its original form;

(c) The new construction, reconstruction or expansion of a structure according to the standards set by the Administrator of the Cultural Heritage Administration;

(d) The installation of electric equipment under the Electricity Business Act and the installation of firefighting facilities under the Fire Services Act;

(e) The installation of a stone landmark, an information signboard, and a warning signboard;

(f) The installation of iron railings and stone fences;

(g) General protection and management such as the pruning of trees, the prevention of damage by blight and harmful insects, fertilization, etc.; and

(h) The collection of seeds and plants for the purpose of study and research or preservation;

4. Permission for the act of raising, growing, sampling, mounting, burying or destroying by fire, etc. any natural monument that has been published by the Administrator of the Cultural Heritage Administration and the cancellation thereof from among the permission and the cancellation thereof provided in subparagraph 3 of Article 34 of the Act;

5. Permission for the act of installing buildings or facilities for which the Administrator of the Cultural Heritage Administration has set the standards by taking into account the special

characteristics of cultural heritages and the cancellation thereof from among the permission and the cancellation thereof provided in subparagraph 3 of Article 34 of the Act;

6. Permission for the minor acts which the Administrator of the Cultural Heritage Administration shall select and publish a notice thereon, from among the activities that may affect the preservation of a State-designated cultural heritage and are prescribed by the Ordinance of the Ministry of Culture and Tourism under Article 34 (3) of the Act, and modified permission therefor.

7. The receipt of any report with respect to the permission falling under subparagraphs 3 and 4 from among the receipt of any report provided in subparagraph 8 of Article 38 of the Act;

8. Permission for construction work in an area published by the Administrator of the Cultural Heritage Administration and construction work of a scale smaller than the scale published by the said Administrator from among the authorities to permit excavations under the provisions of the proviso of Article 55 (1) of the Act;

9. The notice to the head of the jurisdictional police station under Article 59 (1) of the Act;

10. Public notice of the cultural heritages excavated or discovered pursuant to the provisions of the pre-proviso part of Article 59 (3) of the Act;

11. The order to formulate adequate measures and issue an order for measures regarding construction work in an area published by the Administrator of the Cultural Heritage Administration and construction work of a scale smaller than the scale published by the said Administrator from among the orders to formulate adequate measures for preservation of cultural heritage and the orders for measures required for preservation of cultural heritage provided in the provisions of Article 91 (4) of the Act;

12. Consultations with respect to the permission or the alteration of such permission under Article 99 (1) 3 of the Act, and the notice under the main sentence of Article 60 (2); and

13. A hearing with respect to the delegated authority from among the authorities specified in each subparagraph of Article 100 of the Act.

Article 52 (Protection of Cultural Heritage during Construction Works)

(1) The scope of areas which are determined by the Mayor/Provincial Governor in consultation with the Administrator of the Cultural Heritage Administration by its Municipal Ordinance for protecting cultural heritage during the construction works under Article 90 (2) of the Act, shall be within 500 meters from the outer boundary of the relevant cultural heritages (referring to the outer boundary of the protected zones, in case where they are designated), in consideration of the historic, artistic, scientific and scenic value of the relevant cultural heritages, the peripheral environments, and other matters necessary for the protection of cultural heritages: *Provided*, That in case where the construction works are implemented outside of 500 meter areas from the outer boundary of the cultural heritages (referring to the outer boundary of the protected zones, in case where they are designated) due to the characteristics of cultural heritages and location conditions, etc., and where deemed that the relevant construction works surely affect the cultural heritages, the said scope may be determined in excess of 500 meters.

(2) The administrative agencies shall, pursuant to Article 90 (2) of the Act, examine whether the construction works in the area under paragraph (1) fall under the activities referred to in subparagraph 3 of Article 34 of the Act.

(3) Matters necessary for the procedures and methods, etc. pursuant to paragraph (2) shall be stipulated by the Ordinance of the Ministry of Culture and Tourism.

Article 53 (Subject to or Scope of Survey of Surface of Earth for Cultural Heritages)

(1) Construction work subject to a survey of the surface of the earth (hereinafter referred to as the "surface survey") under the provisions of Article 91 (1) of the Act means construction work falling under any of the following subparagraphs from among the construction works prescribed in each subparagraph of Article 33. In this case, it includes any construction project where, as the project area is parceled out into smaller plots and developed for the same purpose over several years or an area next to the project area is additionally developed for the same purpose, the total project area exceeds the scale prescribed in any of the following subparagraphs:

1. Construction work undertaken on land and/or inland waters under the provisions of subparagraph 1 of Article 2 of the Inland-Water Fisheries Act, which covers a total project area of no less than 30,000 square meters: *Provided*, That in the case of aggregate collection at rivers, it applies only to a project area of no less than 150,000 square meters.

2. Construction work undertaken in coastal areas under the provisions of paragraph 1 of Article 2 of the Coastal Management Act which falls under any of the following items:

(a) Construction work undertaken in an area within 10km from the coastline which covers a project area of no less than 30,000 square meters: *Provided*, That in the case of aggregate collection, it applies only to the construction work undertaken in an area within 5km from the coastline which covers a project area of no less than 150,000 square meters; and

(b) Construction work undertaken in an area within 10km from the coastline which covers a project area of no less than 250,000 square meters: *Provided*, That, in the case of aggregate collection, it applies only to the construction work undertaken in an area within 5km from the coastline which covers a project area of no less than 250,000 square meters.

3. Construction work undertaken in an area designated by the Ordinance of the Ministry of Culture and Tourism which covers a project site of less than those provided in subparagraphs 1 and 2;

(2) Construction work falling under any of the following subparagraphs may not be subject to a surface survey, notwithstanding the provisions of paragraph (1): *Provided*, That in the case of construction works falling under subparagraphs 2 through 4, the implementer of the construction works shall objectively prove that the construction works fall under the provisions:

1. Construction work undertaken in an area where a surface survey has already been conducted;

2. Construction work undertaken in an area where the geological stratum containing relics and/or archaeological traces has already been damaged due to cutting or digging the ground;

3. Construction work undertaken in an area where reclamation of public waters, dredging of a river or sea bottom, or collection of aggregate and minerals have already taken place;

4. Construction work undertaken in an area which has been covered up with soil within the scope of not damaging the configuration of the land that existed before the covering up;

5. Construction work undertaken in an area where cultural heritage is shown to exist on a cultural heritage distribution map or where buried cultural heritage is expected to exist as prescribed under

the provisions of Article 55, which covers the total project area of no more than 2,000 square meters; or

6. Planting or felling standing trees and bamboo which does not entail any alteration to the original features of the surface of the earth.

Article 54 (Surface Survey Report, etc.)

(1) The surface survey report prepared under Article 91 (2) of the Act shall include the matters prescribed in each of the following subparagraphs:

1. The result of the literature and site surveys on the history, archeology, folklore, geology, and natural environment of the area subject to construction work; and
2. The opinion of the researcher of the specialized cultural heritage-related institution which has conducted the surface survey.

(2) Details regarding the methods, procedures, and the report of the surface survey shall be determined and publicized by the Administrator of the Cultural Heritage Administration.

Article 55 (Cultural Heritage Distribution Map)

(1) The State or local governments may, for utilization in the formulation of plans for development project under Article 93 of the Act, prepare a cultural heritage distribution map of the relevant *Si/Gun/Gu* (referring to the autonomous *Gu*) containing matters prescribed in each of the following subparagraphs:

1. Locations of the areas where buried cultural heritages are deemed to exist;
2. Locations of the designated cultural heritages under Article 2 (2) of the Act and the registered cultural heritages under Article 47 (2) of the Act; and
3. Locations of cultural heritages, other than those prescribed in subparagraphs (1) and (2), which are recognized as having historic, artistic, academic or scenic value, and are necessary to preserve.

(2) Any person who intends to implement a development project may request the head of the relevant local government having jurisdiction over the area subject to the development project, to allow him/her access to the cultural heritage distribution map prescribed in paragraph (1).

Article 56 (Scope of General Movable Cultural Heritage)

Any cultural heritage belonging to movables from among cultural heritages not designated to which the provisions of Article 35 (1) and (2) of the Act are applicable *mutatis mutandis* under Article 94 (1) of the Act, shall be records, books, wooden printing blocks, paintings, sculptures, handicrafts, archaeological materials, natural history materials and folklore materials which have artistic and historical value worthy of protection, but the scope of such protection shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 57 (Appraisal of General Movable Cultural Heritage, etc.)

(1) When the Administrator of the Cultural Heritage Administration intends to confirm a general movable cultural heritage pursuant to the provisions of Article 94 (3) of the Act, he/she shall have

such items appraised by specialists.

(2) Necessary matters concerning the qualification of persons who appraise, and the procedure and methods of appraisal pursuant to the provisions of paragraph (1) shall be prescribed by the Ordinance of the Ministry of Culture and Tourism.

Article 58 (Approval of Business Plan and Report on Actual Records, etc.)

(1) The Korea Cultural Heritage Foundation under Article 96 of the Act (hereinafter referred to as the "Cultural Heritage Foundation") shall prepare the business plan and the budget for the coming year no later than November 30 each year, and submit them to the Administrator of the Cultural Heritage Administration, and obtain approval thereof.

(2) When the Cultural Heritage Foundation intends to alter the business plan and the budget approved under paragraph (1), it shall obtain approval of such alteration from the Administrator of the Cultural Heritage Administration.

(3) The Cultural Heritage Foundation shall prepare the actual business records and the settlement of accounts for each business year, and submit them to the Administrator of the Cultural Heritage Administration no later than the end of February of the next business year.

Article 59 (Protection of World Heritage, etc.)

(1) The Administrator of the Cultural Heritage Administration may conduct regular examination and inspection (referring to regular inspection activities to perform the duties for regular reports under the Convention Concerning the Protection of the World Cultural and Natural Heritage; hereinafter the same shall apply) with regard to the existing state and the preservation status of registered World Heritage, etc. in order to maintain and manage the World Heritages, etc. under Article 98 (3) of the Act and to take measures necessary for their protection.

(2) The Administrator of the Cultural Heritage Administration may request the head of the local government having jurisdiction over the location of the registered World Heritages, etc. to furnish the related data and opinions in accordance with the examination and inspection under paragraph (1).

(3) The head of the local government in receipt of a request for furnishing the related data and opinions under paragraph (2) shall comply with it unless there exist any special grounds otherwise.

(4) Matters necessary for the methods and procedures, etc. for the examination and inspection under paragraph (1) shall be determined by the Administrator of the Cultural Heritage Administration.

Article 60 (Designation, etc. of Historic Sites within Natural Park Boundaries)

(1) In cases where the management authority for the natural park concerned is to be consulted pursuant to the provisions of Article 99 (1) of the Act shall be as follows:

1. In case of Article 99 (1) 1 and 2 of the Act, designation of areas or districts no less than 30,000 square meters; and

2. In case of Article 99 (1) 3 of the Act, all areas (applying only to the cases under any of subparagraphs of Article 23 (1) of the Natural Parks Act, with the acts to enlarge, remodel, rebuild, and relocate State-designated cultural heritage, City/Province-designated cultural heritage, cultural heritage materials and protected objects and acts to paint the outside thereof, being excluded).

(2) When the Administrator of the Cultural Heritage Administration designates areas or districts no more than 30,000 square meters pursuant to Articles 99 (1) 1 and 2 of the Act within a park or park protection district as prescribed by the Natural Parks Act, he/she shall notify the contents thereof to the competent management authority of the park.

Article 61 (Procedures for Imposition and Collection of Fines for Negligence)

(1) Where a fine for negligence as provided by Article 116 of the Act is to be imposed, after examination and confirmation of the offences which have been committed, the person subject to such fines for payment shall be given notice in writing with an indication of offences committed by him/her, the method of challenging such measures, and the amount of the fine for negligence.

(2) Where the Administrator of the Cultural Heritage Administration, the Mayor/Provincial Governor or the head of *Sil/Gun/Gu* (hereinafter referred to be the "imposing authorities") imposes a fine for negligence pursuant to paragraph (1), no proceedings shall be initiated for that offence before the expiration of a set period of ten or more days following the date of the notice so as to give the person subject to a potential fine for negligence the opportunity to make an oral or written statement (including electronic documents). No statement of opinions until the expiration of the designated date shall be considered as the waiver of opinions.

(3) In deciding the amount of the fine for negligence, the imposing authorities shall take into account the motives and consequences of such offences.

(4) The procedures for the collection of fines for negligence shall be determined by the Ordinance of the Ministry of Culture and Tourism.

ADDENDA <Act No. 20222, Aug. 17, 2007>

Article 1 (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

Article 2 (Application Example for Entrustment of Technical Qualification Examination and Skill Qualification Examination)

Entrustment of technical qualification examination and skill qualification examination under the revised provisions of Article 22 shall apply with effect from the examination to be implemented in 2008.

Article 3 (Designation of Educational Institutions for Cultural Heritage Dealers, etc.)

(1) The Administrator of the Cultural Heritage Administration may designate any institution or organization which falls under any of the following subparagraphs as cultural heritage educators under Article 9 (2) of the Addenda of the Act:

1. Any organization related to cultural heritage under Article 95 of the Act;
2. The Korea Cultural Heritage Foundation under Article 96 of the Act.

(2) The Administrator of the Cultural Heritage Administration may provide the institutions or organizations designated under paragraph (1) with funding to cover part of the expenses incurred for such education.

Article 4 (Application Example for Defect Liability Period) The period of defect liability warranty by type of repair works shall apply under the amended provisions of Article 21, starting with the repair work to be ordered for the first time after July 1st, 2003, when the Enforcement Decree of the Cultural Heritage Protection Act, amended by the Presidential Decree No. 18026, entered into force.

Article 5 (Transitional Measures concerning Persons Holding Certificate of Completion in Training for Transfer of Important Intangible Cultural Heritage)

Any person who had obtained a certificate of completion of training for the transfer of important intangible cultural heritage pursuant to the previous provisions as of October 7th, 1994, when the Enforcement Decree of the Cultural Heritage Protection Act, amended by the Presidential Decree No. 14399, entered into force, shall be considered to have obtained the certificate of completion under the amended provisions of Article 24 (1).

Article 6 (Transitional Measures concerning Assistants in Training for Transfer of Important Intangible Cultural Heritage)

Any person who was selected as a candidate holder of an important intangible cultural heritage, a teaching assistant for training for transfer, or a musician pursuant to the previous provisions as of July 1st, 2001 when the Enforcement Decree of the Cultural Heritage Protection Act, amended by the Presidential Decree No. 17279, entered into force, shall be considered to have been selected as an assistant in training for the transfer of important intangible cultural heritage under the amended provisions of Article 25 (1): *Provided*, That the appellation shall be subject to the previous provisions.

Article 7 (Transitional Measures concerning Scholarship Trainees)

Any person who was selected as a student on scholarship in training for transfer pursuant to the previous provisions as of October 7th, 1994 when the Enforcement Decree of the Cultural Heritage Protection Act, amended by the Presidential Decree No. 14399, entered into force, shall be considered to have been selected as a student on scholarship for training under the amended provisions of Article 26.

Article 8 (Amendments of Other Acts)

(1) A part of the Enforcement Decree of the Building Act shall be amended as follows:

“Article 20” in Article 10 (1) 17 shall be “Article 33.”

(2) A part of the Enforcement Decree of the Special Act on the Protection of Ancient Capitals shall be amended as follows:

“Article 3” in Article 17 (2) 1 shall be “Article 4” and “Article 55 (5)” shall be “Article 70 (5).”

(3) A part of the Enforcement Decree of the Act on the Collection, etc. of Premiums for Employment Insurance and Industrial Accident Compensation Insurance shall be amended as follows:

“Article 18 (11)” in Article 6 (1) 6 shall be “Article 26.”

(4) A part of the Enforcement Decree of the Agricultural Products Processing Industry Promotion Act shall be amended as follows:

“Article 5 (2) of the Cultural Heritage Protection Act” in Article 14 (3) shall be “Article 6 (2) of the Cultural Heritage Protection Act.”

(5) A part of the Enforcement Decree of the Urban and Residential Environment Improvement Act shall be amended as follows:

“Article 74 (2)” in Article 41-2 (2) 4 shall be “Article 89 (2).”

(6) A part of the Enforcement Decree of the Act on the Sustainable Use of the Dokdo Islets shall be amended as follows:

“Article 20” in Article 2 shall be “Article 33.”

(7) A part of the Enforcement Decree of the Military Service Act shall be amended as follows:

“Pursuant to Article 5 of the Cultural Heritage Protection Act” in Article 49 (1) 3 shall be “under Article 6 of the Cultural Heritage Protection Act.”

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

“Article 8” in Article 51 (4) 1 shall be “Article 9.”

(9) A part of the Enforcement Decree of the Income Tax Act shall be amended as follows:

“Article 42 (2)” in Article 155 (6) 1 shall be “Article 46 (2).”

(10) A part of the Enforcement Decree of the Natural Environment Conservation Act shall be amended as follows:

“Article 6” in Article 3 (5) shall be “Article 7” and “Article 8” shall be “Article 9.”

(11) A part of the Enforcement Decree of the Housing Act shall be amended as follows:

“Article 45” in Article 18 (1) shall be “Article 56.”

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

“Article 24 (2)” in Article 3 (6) shall be “Article 35 (2).”

(13) A part of the Act on the Establishment of the Korean National University of Cultural Heritage shall be amended as follows:

“Article 18 (2) of the Cultural Heritage Protection Act” in Article 7 shall be “Article 17 of the Act on the Establishment of the Korean National University of Cultural Heritage.”

(14) A part of the Enforcement Decree of the Act on Ocean Ecosystem Conservation & Management shall be amended as follows:

“Article 6” in Article 2 (4) shall be “Article 7” and “Article 8” shall be “Article 9.”

Article 9 (Relations with Other Acts)

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

Table 1. Types and Responsible Business of Cultural Heritage Repair Engineers [Concerning Article 7 (1)]

Table 2. Types and Responsible Business of Cultural Heritage Repair Technicians [Concerning Article 8]

Table 3. Types and Responsible Business of Cultural Heritage Repair Business Operators [Concerning Article 9]

Table 4. Subjects of Written Examination and Methods of Examination by Subject for Cultural Heritage Repair Engineers by Type [Concerning Article 12 (2)]

Table 5. Subjects Exempted from Written Examination for Cultural Heritage Repair Engineers

[Concerning Article 12 (3)]

Table 6. Warranty of Defect Liability Period for Cultural Heritage Repair Works by Type
[Concerning Article 21]

Table 7. Scope of Period Limited for Excavation Permission [Concerning Article 35]

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