

# ENFORCEMENT DECREE OF THE NUCLEAR ENERGY PROMOTION ACT

Wholly Amended by Presidential Decree No. 23249, Oct. 25, 2011

Amended by Presidential Decree No. 24423, Mar. 23, 2013

Presidential Decree No. 26733, Dec. 22, 2015

Presidential Decree No. 26844, Dec. 31, 2015

Presidential Decree No. 27706, Dec. 30, 2016

Presidential Decree No. 28210, Jul. 26, 2017

## Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Nuclear Energy Promotion Act and matters necessary for the enforcement thereof.

## Article 2 (Duties, etc. of Chairperson)

(1) The chairperson of the Atomic Energy Commission (hereinafter referred to as the "chairperson" and the "Commission") referred to in Article 3 of the Nuclear Energy Promotion Act (hereinafter referred to as the "Act") shall exercise general supervision over the affairs of the Commission and represent the Commission.

(2) When the chairperson is unable to perform his/her duties due to any unavoidable cause, a member designated in advanced by the chairperson shall act for the chairperson.

## Article 3 (Meetings)

(1) The chairperson shall convene and preside over meetings of the Commission.

(2) The chairperson may convene meetings of the Commission occasionally and as necessary.

(3) The chairperson shall notify in writing (including electronic documents) each member of the dates, times and place of meeting and matters to be deliberated on at the meeting one week before the meeting is held: Provided, That this same shall not apply if urgent circumstances arise or if there is any unavoidable cause.

(4) The secretary to the Commission shall, in advance, organize matters to be deliberated on at the meeting by order of the chairperson and refer them to the meeting with the attachment of necessary materials thereto.

(5) A majority of the members of the Commission shall constitute a quorum, and any decision thereof shall require the concurring votes of a majority of those present.

#### **Article 4 (Committee Specializing in Use and Development of Nuclear Energy)**

(1) In order to professionally deliberate on and examine the business affairs under the jurisdiction of the Commission, a committee specializing in the use and development of nuclear energy (hereinafter referred to as the "Specialized Committee") shall be established in the Commission.

(2) The Specialized Committee shall be comprised of not more than 25 non-standing expert members (hereinafter referred to as "expert member") including one chairperson.

(3) A person appointed by the chairperson from among members of the Commission shall become the chairperson of the Specialized Committee, and persons who have much knowledge and experience in nuclear energy and employees of relevant institutions who are commissioned or appointed by the chairperson of the Commission upon the recommendation of the Minister of Science and ICT shall become the members thereof. *<Amended by Presidential Decree No. 24423, Mar. 23, 2013; Presidential Decree No. 28210, Jul. 26, 2017>*

(4) For the efficient performance of the business affairs of the Specialized Committee, the Specialized Committee may have subcommittees, and matters necessary for the organization and operation thereof shall be determined by the chairperson of the Specialized Committee after referring them to the Specialized Committee for resolution.

#### **Article 4-2 (Discharge or Dismissal of Members)**

(1) Where any member of the Commission appointed or commissioned under Article 5 (2) of the Act falls under any of the following subparagraphs, the President may discharge or dismiss such member:

1. Where he/she becomes unable to perform his/her duties due to any physical disability or mental disorder;
2. Where he/she breaches his/her official duty;
3. Where he/she is deemed unfit to serve as a member due to negligence of duties, injury to dignity, or other grounds;
4. Where he/she declares that it is impracticable for him/her to perform his/her duties as a member.

(2) Where any expert member falls under any subparagraph of paragraph (1), the chairperson of the Commission may discharge or dismiss such expert member.

#### **Article 5 (Entrustment of Investigations, Research, etc.)**

(1) The chairpersons of the Commission, Specialized Committee and subcommittees may, when necessary to perform the business affairs thereof, entrust investigations, research and provision of data on relevant matters to relevant institutions or experts inside or outside Korea.

(2) When entrusting investigations, research or provision of data pursuant to paragraph (1), the expenses necessary therefor may be paid within budgetary limits.

#### **Article 6 (Hearing of Opinion)**

The Commission, Specialized Committee and subcommittees may, when necessary to deliberate on matters under their jurisdiction, request relevant institutions or experts to submit their opinions or request relevant persons to attend a meeting and state their opinions.

#### **Article 7 (Allowances, etc.)**

Allowances, and actual expenses spent in performing duties may be paid to members, expert members and relevant persons who have attended a meeting of the Commission, Specialized Committee and subcommittees as well as to experts who have submitted opinions to the Commission, Specialized Committee and subcommittees, within budgetary limits: Provided, That this shall not apply in any case where a member who is a public official, attends a meeting in direct connection with his/her duties.

#### **Article 8 (Minutes)**

The Commission shall write and keep the minutes for a meeting.

#### **Article 9 (Detailed Operating Regulations)**

Matters necessary for the operation of the Commission and Specialized Committee, other than those prescribed in this Decree, shall be determined by the chairperson after resolution by the Commission.

#### **Article 10 (Minor Changes to Comprehensive Plans for Promotion of Nuclear Energy)**

"Minor matters prescribed by Presidential Decree" in the proviso to Article 9 (4) of the Act means the following:

1. Matters concerning the details of promotion of sectoral tasks of a comprehensive plan for the promotion of nuclear energy referred to in Article 9 (1) of the Act (hereinafter referred to as "comprehensive plan");
2. Matters which don't have significant impacts on the details of a comprehensive plan and satisfy the criteria determined by the Commission.

#### **Article 11 (Research and Development Projects, etc.)**

(1) Where the head of the competent research institution referred to in Article 12 (5) of the Act (hereinafter referred to as "competent research institution") intends to partially cover costs incurred in carrying out a research and development project on nuclear energy referred to in paragraph (1) of the same Article (hereinafter referred to as "research and development project") (hereinafter referred to as "research and development costs") with contributions made by persons, other than the Government, technical development cost (including goods), etc., he/she shall, in advance, conclude a contract for investment or research with the relevant party.

(2) The head of a competent research institution may perform part of the research task referred to in Article 12 (1) of the Act in collation with or jointly with the following persons or entrust it to the following persons, as prescribed by the Minister of Science and ICT: <Amended by Presidential Decree No. 24423, Mar. 23, 2013; Presidential Decree No. 28210, Jul. 26, 2017>

1. An institution or organization under the provisions of Article 14 (1) of the Basic Research Promotion and Technology Development Support Act;
2. An expert in the relevant field.

(3) The provisions of Article 19 (1) of the Regulations on the Management, etc. of National Research and Development Projects shall apply mutatis mutandis to business referred to in Article 19 (1) 2 through 4 of the Act.

## **Article 12 (Collection of and Exemption from Technical Fees and Reporting of Records of Use)**

Where the head of a competent research institution collects or grant exemptions to technical fees pursuant to Article 12 (5) of the Act, he/she shall report the details thereof to the Minister of Science and ICT within 15 days pursuant to Article 12 (6), and report the records of use of technical fees for the relevant year to the Minister of Science and ICT by March 31 of the following year. *<Amended by Presidential Decree No. 24423, Mar. 23, 2013; Presidential Decree No. 28210, Jul. 26, 2017>*

## **Article 13 (Joint Possession of Industrial Property Rights, etc.)**

"Persons prescribed by Presidential Decree" in the proviso to Article 12 (7) of the Act means the following persons:

1. An operator of an electricity-generating reactor referred to in Article 22 (1) of the Nuclear Safety Act (hereinafter referred to as "operator of an electricity-generating reactor");
2. A person bearing some of research and development costs pursuant to Article 11 (1).

## **Article 14 (Sharing of Research and Development Costs)**

The amount of money to be borne by the operator of an electricity-generating reactor pursuant to Article 13 (2) of the Act (hereinafter referred to as "charges") shall be an amount obtained by multiplying one point two won per kilowatt-hour by the volume of electricity generated by operating the reactor in the year prior to the preceding year. *<Amended by Presidential Decree No. 27706, Dec. 30, 2016>*

## **Article 15 (Payment of Charges)**

- (1) An order to pay charges referred to in Article 13 (4) of the Act shall be issued each quarter in writing, specifying in detail the amount to be paid, payment deadline and place of payment.
- (2) The amount to be paid referred to in paragraph (1) shall be calculated, based on the volume of electricity generated by operating the reactor in the relevant quarter of the year prior to the preceding year, and the payment deadline shall be determined within 20 days from the date of notice. *<Amended by Presidential Decree No. 27706, Dec. 30, 2016>*
- (3) Each institution which received charges shall deliver a receipt to the payer and notify the Minister of Science and ICT of the fact that the charges have been paid without delay. *<Amended by Presidential Decree No. 24423, Mar. 23, 2013; Presidential Decree No. 28210, Jul. 26, 2017>*

## **Article 16 (Detailed Regulations on Research and Development Projects and Charges)**

Matters necessary for the performance of research and development projects and payment of charges, other than those prescribed in this Decree, shall be prescribed by the Minister of Science and ICT. *<Amended by Presidential Decree No. 24423, Mar. 23, 2013; Presidential Decree No. 28210, Jul. 26, 2017>*

## **Article 17 (Entrustment of Surveys of Actual Conditions)**

- (1) "Institutions or organizations prescribed by Presidential Decree" in the latter part of Article 16 (1) of the Act means the following: *<Amended by Presidential Decree No. 24423, Mar. 23, 2013; Presidential Decree No. 28210, Jul. 26, 2017>*

1. An institution or organization in subparagraphs of Article 14 (1) of the Basic Research Promotion and Technology Development Support Act;

2. A non-profit corporation, the establishment of which is permitted by the Minister of Science and ICT pursuant to Article 32 of the Civil Act and Article 4 of the Act on the Establishment and Operation of Public Interest Corporations.

(2) Where the Minister of Science and ICT requests the persons in subparagraphs of paragraph (1) to conduct a survey on actual conditions of nuclear energy industries pursuant to the latter part of Article 16 (1) of the Act, he/she may pay expenses to be incurred in conducting such survey. *<Amended by Presidential Decree No. 24423, Mar. 23, 2013; Presidential Decree No. 28210, Jul. 26, 2017>*

#### **Article 18 (Use of Nuclear Energy Research and Development Account)**

"Projects related to research and development projects on nuclear energy, prescribed by Presidential Decree" in Article 19 (1) 4 of the Act means the following projects: *<Amended by Presidential Decree No. 24423, Mar. 23, 2013; Presidential Decree No. 28210, Jul. 26, 2017>*

1. Projects on planning, management and assessment for the efficient promotion of research and development projects;
2. Other projects the Minister of Science and ICT deems necessary for the promotion of research and development projects.

#### **Article 19 (Accounting Institutions of Nuclear Energy Research and Development Account)**

The Minister of Science and ICT shall appoint fund revenue-collecting officers, fund finance officers, fund expenditure officers and fund accounting officials among the public officials under his/her jurisdiction to make them responsible for administrative affairs concerning the revenues and expenditures of the nuclear energy research and development account referred to in Article 17 (2) of the Act (hereinafter referred to as the "nuclear energy research and development account") of the Nuclear Energy Fund referred to in paragraph (1) of the same Article (hereinafter referred to as the "Fund"). *<Amended by Presidential Decree No. 28210, Jul. 26, 2017>*

#### **Article 20 (Opening of Nuclear Energy Research and Development Account at the Bank of Korea)**

The Minister of Science and ICT shall open an account for nuclear energy research and development at the Bank of Korea to clarify the revenues and expenditures of the nuclear energy research and development account. *<Amended by Presidential Decree No. 24423, Mar. 23, 2013; Presidential Decree No. 26733, Dec. 22, 2015; Presidential Decree No. 28210, Jul. 26, 2017>*

#### **Article 21 (Fiscal Year of Nuclear Energy Research and Development Account)**

The fiscal year of the nuclear energy research and development account shall coincide with that of the Government. *<Amended by Presidential Decree No. 26733, Dec. 22, 2015>*

#### **Article 22 (Methods for Operating Surplus Funds of Nuclear Energy Research and Development Account)**

If there are surplus funds in the nuclear energy research and development fund, the Minister of Science and ICT may operate these surpluses by purchasing securities referred to in Article 4 of the Financial Investment Services and Capital Markets Act or depositing them in financial companies. *<Amended by Presidential Decree No. 24423, Mar. 23, 2013; Presidential Decree No. 26733, Dec. 22, 2015; Presidential Decree*

No. 28210, Jul. 26, 2017>

**Article 22-2 (Entrustment of Duties concerning Nuclear Energy Research and Development Account, etc.)**

(1) In accordance with the proviso to Article 18 (1) of the Act, the Minister of Science and ICT shall entrust the following duties related to the nuclear energy research and development account to the National Research Foundation of Korea established under the National Research Foundation of Korea Act (hereinafter referred to as the “National Research Foundation of Korea”): <Amended by Presidential Decree No. 28210, Jul. 26, 2017>

1. Accounting affairs related to managing and operating the nuclear energy research and development account;
2. Duties related to the revenues and expenditures of the nuclear energy research and development account;
3. Duties related to operating surplus funds of the nuclear energy research and development account;
4. Other duties determined and publicly announced by the Minister of Science and ICT in relation to the management and operation of the nuclear energy research and development account.

(2) The president of the National Research Foundation of Korea entrusted with duties related to managing and operating the nuclear energy research and development account prescribed in paragraph (1) shall appoint the head of the department to be tasked with managing the revenues of the Fund and the head of the department to be tasked with managing causative acts of expenditure of the Fund among the heads of departments under his/her jurisdiction, and the fund expenditure employees and the fund accounting employees among the employees under his/her jurisdiction, and make a report thereon to the Minister of Science and ICT. In such cases, the head of the department for managing the revenues of the Fund shall perform the duties of the fund revenue-collecting officers, the head of the department for managing causative acts of expenditure of the Fund shall perform the duties of fund finance officers, the fund expenditure employees shall perform the duties of fund expenditure officers, and the fund accounting employees shall perform the duties of fund accounting officials within the scope of entrusted duties.

<Amended by Presidential Decree No. 28210, Jul. 26, 2017>

**Article 23 (Regulations on Operation of Nuclear Energy Research and Development Account)**

Matters necessary for managing and operating the nuclear energy research and development account, other than those prescribed in this Decree, shall be prescribed by the Minister of Science and ICT. <Amended by Presidential Decree No. 24423, Mar. 23, 2013; Presidential Decree No. 26733, Dec. 22, 2015; Presidential Decree No. 28210, Jul. 26, 2017>

**Article 24 (Management and Operation of Nuclear Energy Research and Development Account)**

Matters necessary for managing and operating the nuclear energy safety regulation account of the Fund prescribed in Article 17 (2) of the Act shall be governed by the Enforcement Decree of the Nuclear Safety Act.

ADDENDA

**Article 1 (Enforcement Date)**

This Decree shall enter into force on October 26, 2011.

**Article 2 (Transitional Measures concerning Committee Specializing in Use and Development of Nuclear Energy and Members thereof)**

The Committee Specializing in the Use and Development of Nuclear Energy, subcommittees, and the members thereof pursuant to the former Enforcement Decree of the Atomic Energy Act (hereinafter referred to as "former provisions") as at the time this Decree enters into force shall be deemed the Committee Specializing in the Use and Development of Nuclear Energy, subcommittees, and the members thereof under this Decree.

**Article 3 (Transitional Measures concerning Former Dispositions, etc.)**

Any disposition, proceeding or other act in relation to the research, development, production and use of nuclear energy which has been imposed, taken or conducted pursuant to the former provisions as at the time this Decree enters into force shall be deemed imposed, taken or conducted under this Decree.

**Article 4 Omitted.**

**Article 5 (Relationship with other Statutes)**

Where other statutes have cited the Enforcement Decree of the Atomic Energy Act or the provisions thereof as at the time this Decree enters into force, if provisions corresponding thereto exist in this Decree, this Decree or corresponding provisions of this Decree shall be deemed to have been cited.

ADDENDA <Presidential Decree No. 24423, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

ADDENDUM <Presidential Decree No. 26733, Dec. 22, 2015>

This Decree shall enter into force on January 1, 2016.

ADDENDUM <Presidential Decree No. 26844, Dec. 31, 2015>

This Decree shall enter into force on the date of its promulgation.

ADDENDUM <Presidential Decree No. 27706, Dec. 30, 2016>

This Decree shall enter into force on January 1, 2017.

ADDENDA <Presidential Decree No. 28210, Jul. 26, 2017>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 through 6 Omitted.**

