

# NUCLEAR ENERGY PROMOTION ACT

Wholly Amended by Act No. 10909, Jul. 25, 2011

Amended by Act No. 11714, Mar. 23, 2013

Act No. 12760, Oct. 15, 2014

Act No. 13390, jun. 22, 2015

Act No. 13822, Jan. 27, 2016

Act No. 14839, Jul. 26, 2017

## Article 1 (Purpose)

The purpose of this Act is to provide for matters concerning the research, development, production and use of nuclear energy (hereinafter referred to as "use of nuclear energy") to contribute to enhancing people's lifestyles and welfare by facilitating the advancement of academic research and industrial development.

## Article 2 (Definitions)

The terms used in this nuclear energy shall be defined as follows:

1. The term "nuclear energy" means nuclear energy under subparagraph 1 of Article 2 of the Nuclear Safety Act;
2. The term "reactor" means reactors under subparagraph 8 of Article 2 of the Nuclear Safety Act;
3. The term "treatment of spent nuclear fuel" means the treatment of spent nuclear fuel under subparagraph 14 of Article 2 of the Nuclear Safety Act;
4. The term "radioactive waste" means radioactive waste under subparagraph 18 of Article 2 of the Nuclear Safety Act.

## Article 3 (Atomic Energy Commission)

An Atomic Energy Commission (hereinafter referred to as the "Commission") shall be established under the jurisdiction of the Prime Minister to deliberate and decide on important matters concerning the use of nuclear energy.

## Article 4 (Functions of Commission)

The Commission shall deliberate and decide on the following matters:

1. Integration and coordination of matters concerning the use of nuclear energy;
2. Matters concerning the formulation of comprehensive plans for the promotion of nuclear energy referred to in Article 9;

3. Matters concerning plans for estimation and allocation of expenditures for the use of nuclear energy;
4. Matters concerning the conduct of testing and studies on the use of nuclear energy;
5. Matters concerning the fostering and training of researchers and technicians for the use of nuclear energy;
6. Matters concerning master plans for the management of radioactive waste referred to in Article 6 of the Radioactive Waste Management Act;
7. Matters concerning the treatment and disposal of spent nuclear fuel;
8. Other matters the chairperson of the Commission deems important and refers to the Commission.

#### **Article 5 (Composition of Commission)**

- (1) The Commission shall be comprised of at least nine, but not exceeding eleven members, including one chairperson.
- (2) The Prime Minister shall become the chairperson of the Commission, and the Minister of Strategy and Finance, the Minister of Science and ICT, the Minister of Foreign Affairs, the Minister of Trade, Industry and Energy (hereinafter referred to as "ex officio members") and other persons appointed or commissioned by the President upon recommendation of the chairperson shall become the members thereof. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*
- (3) The Commission shall have one secretary appointed by the chairperson from among the public officials of the Ministry of Science and ICT. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

#### **Article 6 (Grounds for Disqualification of Members)**

No person falling under any of the following subparagraphs of Article 33 of the State Public Officials Act shall become a member of the Commission.

#### **Article 7 (Term of Office of Members)**

The term of office of members, excluding ex officio members, shall be three years, and a consecutive appointment may be permitted.

#### **Article 8 (Operation of Commission)**

Matters necessary for the operation of the Commission shall be prescribed by Presidential Decree.

#### **Article 9 (Formulation of Comprehensive Plans for Promotion of Nuclear Energy)**

- (1) The Minister of Science and ICT shall formulate a comprehensive plan for the promotion of nuclear energy (hereinafter referred to as "comprehensive plan") every five years. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*
- (2) Each comprehensive plan shall include the following matters:
  1. Current state of and prospects for the use of nuclear energy;
  2. Policy objectives of and basic direction-setting for the use of nuclear energy;
  3. Sectoral tasks and the promotion thereof;
  4. Investment plans and financing of required financial resources;

5. Other matters necessary for the use of nuclear energy.

(3) Where the Minister of Science and ICT intends to formulate a comprehensive plan, he/she shall, in advance, consult with the heads of relevant ministries and agencies. This shall also apply to the change of formulated comprehensive plans. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(4) Each comprehensive plan shall be determined through deliberation and resolution by the Commission: Provided, That this shall not apply to the change of insignificant matters prescribed by Presidential Decree.

(5) When deemed necessary to formulate a comprehensive plan, the Minister of Science and ICT may request the heads of relevant agencies to submit data necessary to formulate the comprehensive plan.

*<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

#### **Article 10 (Execution of Comprehensive Plans)**

(1) The Minister of Science and ICT shall notify the heads of the relevant ministries of a comprehensive plan determined pursuant to Article 9 (4), and the Minister of Science and ICT and the heads of the relevant ministries shall formulate a sectoral execution plan for matters under their jurisdiction every five years based on the comprehensive plan and also formulate and execute a detailed plan for the implementation of projects annually based on the sectoral execution plan. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(2) When necessary to formulate a sectoral execution plan referred to in paragraph (1), the Minister of Science and ICT and the heads of the relevant ministries shall determine the sectoral execution plan through consultation with the heads of other relevant ministries, and the heads of the relevant ministries shall notify the Minister of Science and ICT of the sectoral execution plan when determined. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

#### **Article 11 (Nuclear Energy Research and Development Institutes, etc.)**

(1) Nuclear energy research and development institutes or nuclear energy-related service institutions and product-manufacturing institutions may be established to professionally perform studies and experiments on the use of nuclear energy and deal with other matters to facilitate the use of nuclear energy under the supervision of the Minister of Science and ICT. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(2) Matters concerning the establishment and operation of nuclear energy research and development institutes or nuclear energy-related service institutions and product-manufacturing institutions referred to in paragraph (1) shall be separately prescribed by other Acts. *<Amended by Act No. 11714, Mar. 23, 2013>*

#### **Article 12 (Promotion of Research and Development Projects on Nuclear Energy)**

(1) The Minister of Science and ICT shall formulate a plan for research and development projects on nuclear energy pursuant to a sectoral execution plan formulated pursuant to Article 10 (1), and may, for the efficient promotion thereof, select research tasks each year and entrust the research and development thereof to the institutions or organizations under the provisions of Article 14 (1) of the Basic Research Promotion and Technology Development Support Act through concluding an agreement. *<Amended by Act*

*No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(2) The costs for research and development projects on nuclear energy referred to in paragraph (1) shall be covered by the following financial resources: *<Amended by Act No. 13390, Jun. 22, 2015>*

1. Governmental contributions;
2. The nuclear energy research and development account of the Nuclear Energy Fund referred to in Article 17 (2);
3. Borrowings referred to in paragraph (4);
4. The balance accrued during the course of conducting research and development projects on nuclear energy, and other revenues.

(3) Matters necessary to conduct research and development projects on nuclear energy referred to in paragraph (1) as well as to manage the costs referred to in paragraph (2) shall be prescribed by Presidential Decree.

(4) The Minister of Science and ICT may borrow funds at the expense of the nuclear energy research and development account of the Nuclear Energy Fund referred to in Article 17 (2) in order to provide money needed to conduct research and development projects on nuclear energy referred to in paragraph (1).

*<Amended by Act No. 11714, Mar. 23, 2013; Act No. 13390, Jun. 22, 2015; Act No. 14839, Jul. 26, 2017>*

(5) The head of each institution or organization assuming a principal role in research by an agreement on a research task of a research and development project on nuclear energy pursuant to paragraph (1) (hereinafter referred to as "competent research institution") may collect technical fees from those using the outcomes of research and development, under conditions stipulated in the agreement: Provided, That the operators of electricity-generating reactors referred to in Article 22 (1) of the Nuclear Safety Act (hereinafter referred to as "operator of an electricity-generating reactor") shall be exempt from technical fees for the use of outcomes of research and development conducted by using the nuclear energy research and development account of the Nuclear Energy Fund referred to in Article 17 (2). *<Amended by Act No. 13390, Jun. 22, 2015>*

(6) Where the head of the competent research institution collects or exempts technical fees pursuant to paragraph (5), he/she shall report to the Minister of Science and ICT thereon, as prescribed by Presidential Decree. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(7) Any industrial property right, etc. created as a result of a research and development project on nuclear energy shall be possessed by the competent research institution: Provided, That persons prescribed by Presidential Decree may possess industrial property rights, etc. jointly with competent research institutions.

### **Article 13 (Cost-Sharing on Research and Development Projects on Nuclear Energy)**

(1) The operator of each electricity-generating reactor shall bear the costs of research and development projects on nuclear energy referred to in Article 12 (2).

(2) The amount of money to be borne by an operator of an electricity-generating reactor pursuant to paragraph (1) (hereinafter referred to as "charges"), which shall be prescribed by Presidential Decree, shall

not exceed the amount obtained by multiplying one point two won per kilowatt-hour by the volume of electricity generated through operation of the relevant reactor in the year prior to the preceding year. *<Amended by Act No. 13822, Jan. 27, 2016>*

(3) Each operator of an electricity-generating reactor shall submit to the Minister of Science and ICT data including the quarterly volume of electricity generated by operating the reactor within 15 days from the end of each quarter. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(4) The Minister of Science and ICT shall order the operators of electricity-generating reactors to pay charges. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(5) Each operator of an electricity-generating reactor shall pay charges to the nuclear energy research and development account of the Nuclear Energy Fund referred to in Article 17 (2). *<Amended by Act No. 13390, Jun. 22, 2015>*

(6) The method of and deadline for payment of charges, and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 14 (Compulsory Collection)**

(1) Where the operator of an electricity-generating reactor fails to pay charges within the payment deadline, the Minister of Science and ICT shall urge him/her to pay the charges, within seven days after the payment deadline. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(2) Article 21 of the National Tax Collection Act shall apply mutatis mutandis to collection of surcharges if an obligor fails to pay charges and charges in arrears within the payment deadline.

(3) When a reminder letter is issued pursuant to paragraph (1), the payment deadline thereof shall be not less than 10 days, but not more than 60 days.

(4) When a person who receives a reminder letter pursuant to paragraph (1) fails to pay the surcharges referred to in paragraph (2) and the relevant charges within the payment deadline, the Minister of Science and ICT may collect them in the same manner as delinquent national taxes are collected. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

#### **Article 15 (Disbursement of Subsidies for Patents, etc.)**

The Government may pay subsidies to patent-pending inventions or inventions already patented relating to nuclear energy within budgetary limits.

#### **Article 16 (Survey of Actual Conditions)**

(1) The Minister of Science and ICT may conduct a survey on the actual conditions of nuclear energy industries in order to efficiently promote policies for the use of nuclear energy. In such case, the Minister of Science and ICT may request institutions or organizations prescribed by Presidential Decree to conduct the survey on actual conditions. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(2) When deemed necessary to conduct the survey on actual conditions referred to in paragraph (1), the Minister of Science and ICT may request nuclear energy-related enterprises, educational institutions, research institutions and other nuclear energy-related institutions to submit data, state opinions, etc. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

## **Article 17 (Creation of Nuclear Energy Fund)**

(1) The Government shall create a Nuclear Energy Fund (hereinafter referred to as the "Fund") to secure financial resources needed for research and development projects on nuclear energy referred to in Article 12 and to achieve the purpose of the safety management of nuclear energy prescribed in Article 1 of the Nuclear Safety Act. *<Amended by Act No. 13390, Jun. 22, 2015>*

(2) The Fund shall be divided into the nuclear energy research and development account and the nuclear energy safety regulation account. *<Newly Inserted by Act No. 13390, Jun. 22, 2015>*

(3) The nuclear energy research and development account shall consist of the following financial resources, and the financial resources of the nuclear energy safety regulation account shall be as described in Article 111-4 of the Nuclear Safety Act: *<Amended by Act No. 13390, Jun. 22, 2015>*

1. Charges referred to in Article 13 and surcharges referred to in Article 14 (2);
2. Profits from the operation of the nuclear energy research and development account;
3. Loans referred to in paragraph (4) and other revenues.

(4) When necessary for operating the accounts prescribed in Article 18 (1), the managing and operating bodies of the accounts may borrow money (including loans from international organizations, foreign countries or foreigners) or introduce goods at the expense of their respective accounts. *<Amended by Act No. 13390, Jun. 22, 2015>*

## **Article 18 (Management and Operation of Fund)**

(1) The nuclear energy research and development account shall be managed and operated by the Minister of Science and ICT, and the nuclear energy safety regulation account by the Nuclear Safety And Security Commission: Provided, That when deemed necessary by the managing and operating body of the relevant account, administrative affairs concerning the management and operation of the account may be delegated or entrusted to a related institution or organization, as prescribed by Presidential Decree. *<Amended by Act No. 11714, Mar. 23, 2013; Act No. 13390, Jun. 22, 2015; Act No. 14839, Jul. 26, 2017>*

(2) Other matters necessary for the management and operation of the Fund shall be prescribed by Presidential Decree.

## **Article 19 (Use of Fund)**

(1) The nuclear energy research and development account shall be used for the following projects, and the nuclear energy safety regulation account shall be used as prescribed in Article 111-4 of the Nuclear Safety Act: *<Amended by Act No. 13390, Jun. 22, 2015>*

1. Research and development projects on nuclear energy;
2. Projects for supporting machineries, equipment, materials and apparatuses necessary to conduct research and development projects on nuclear energy;
3. Projects for fostering nuclear energy-related human resources;
4. Other projects related to research and development projects on nuclear energy, prescribed by Presidential Decree.

(2) The Minister of Science and ICT may reimburse expenses for institutions or organizations conducting any subparagraph of paragraph (1). <Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

#### **Article 20 (Confidentiality)**

No member of the Commission or public official currently or formerly engaged in duties prescribed in this Act shall divulge confidential information concerning nuclear energy they acquired in the course of performing duties to others, or use them for purposes, other than those of enforcing this Act.

#### **Article 21 (Allowances for Public Officials with regard to Use of Nuclear Energy)**

Research allowances, danger allowances or health allowances may be paid to public officials performing duties concerning the use of nuclear energy, as prescribed by Presidential Decree, in addition to remuneration and other allowances paid under the State Public Officials Act.

#### **Article 21-2 (Legal Fiction of Public Officials in Application of Penalty Provisions)**

Executives and employees of an institution or organization entrusted with duties prescribed in Article 16 shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act.

#### **Article 22 (Penalty Provisions)**

Any person that violates Article 20 shall be punished by imprisonment with labor for not more than ten years. <Amended by Act No. 12760, Oct. 15, 2014>

#### **Article 23 (Administrative Fines)**

(1) The following persons shall be punished by an administrative fine not exceeding one million won:

1. Any person who fails to report or makes a false report, in violation of Article 12 (6);
2. Any person who fails to submit data without good cause, in violation of Article 13 (3).

(2) Administrative fines referred to in paragraph (1) shall be imposed and collected by the Minister of Science and ICT, as prescribed by Presidential Decree. <Amended by Act No. 11714, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

### **ADDENDA**

#### **Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation.

#### **Article 2 (Transitional Measures for Members of Atomic Energy Commission)**

The members of the Atomic Energy Commission, excluding ex officio members, appointed or commissioned pursuant to the former provisions at the time this Act enters into force shall be deemed appointed or commissioned as the members of the Atomic Energy Commission pursuant to the amended provisions of Article 5 (2), and the term of office of members, excluding ex officio members, shall be the remaining term of office thereof.

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

Any disposition, proceeding or other act in relation to any act concerning the use of nuclear energy that has been imposed, taken or conducted pursuant to the former provisions at the time this Act enters into force shall be deemed imposed, taken or conducted under this Act.

#### **Article 4 (Transitional Measures for Penalty Provisions, etc.)**

The former provisions shall apply to penalty provisions applied in response to the acts conducted before this Act enters into force.

#### **Article 5 Omitted.**

#### **Article 6 (Relations with other Acts)**

When other Acts have cited the Atomic Energy Act or the provisions thereof at the time this Act enters into force, if provisions corresponding thereto exist in this Act, this Act or the provisions corresponding thereto shall be deemed to have been cited.

ADDENDA <Act No. 11714, Mar. 23, 2013>

#### **Article 1 (Enforcement Date)**

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

#### **Article 2 Omitted.**

ADDENDUM <Act No. 12760, Oct. 15, 2014>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 13390, Jun. 22, 2015>

#### **Article 1 (Enforcement Date)**

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

#### **Article 2 (Applicability to Preparation of Plans for Operating Nuclear Energy Fund, etc.)**

The preparation and submission of a plan for operating the Nuclear Energy Fund prescribed in the amended provisions of Article 17 shall be required, starting with funds belonging to the fiscal year 2016.

#### **Article 3 (Transitional Measures concerning Research and Development Fund for Nuclear Energy)**

The assets, bonds, debts and other rights and obligations of the Research and Development Fund for Nuclear Energy prescribed in the former provisions as at the time this Act enters into force shall be inherited by the nuclear energy research and development account of the Nuclear Energy Fund prescribed in the amended provisions of Article 17 (2).

ADDENDUM <Act No. 13822, Jan. 27, 2016>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 13 (2) shall enter into force on January 1, 2017.

ADDENDA <Act No. 14839, Jul. 26, 2017>

#### **Article 1 (Enforcement Date)**



This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of the Acts, which were promulgated before this Act enters into force, but the date on which they are to enter into force, has not arrived yet, among the Acts amended pursuant to Article 5 of the Addenda, shall enter into force on the enforcement dates of such Acts, respectively.

**Articles 2 through 6 Omitted.**

