

GOVERNMENT OF the Republic of Korea**INITIAL REPORT ON MEASURES UNDERTAKEN TO IMPLEMENT THE ARMS TRADE TREATY, IN ACCORDANCE WITH ITS ARTICLE 13(1)**DATE OF SUBMISSION 29 May 2018

This Initial Report is available only to States Parties	<input type="checkbox"/>
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This Report contains only updates to a previously submitted initial report dated _____	<input type="checkbox"/>
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1. NATIONAL CONTROL SYSTEM AND LIST**A. Overview of legislation and ordinances governing the national control system [Article 5(2)]**

(please list below. If the national control system is governed in whole or part by other means than legislation or ordinances, please indicate these also)

Foreign Trade Act and Enforcement Decree, Ministerial Decree thereto, Public Notice of Strategic Items, Public Notice on Special Measures on the Trade regarding Fulfillment of Obligations for International Peace and Security Defense Acquisition Program Act and Enforcement Decree, Ministerial Decree thereto
 Customs Act and Enforcement Decree, Ministerial Decree thereto, Public Notice on the Items Subject to Confirmation by Customs Office and the Confirmation Methods under the Custom Act, Public Notice on the Procedures of Export/Import of Strategic Items
 Act on the Control of the Manufacture, Export and Import, etc. of Specific Chemicals and Chemical Agents for the Prohibition of Chemical and Biological Weapons
 Act on the Safety Management of Guns, Swords, Explosives, etc. and Enforcement Decree, Ministerial Decree thereto

B. The national control system includes the following:

	Yes	No
i) competent national authorities (further specified below) [Article 5(5)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) a control list [Article 5(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) one or more national points of contact to exchange information on ATT implementation [Article 5(6)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If 'No' to any of the items above, please provide background below.

C. The national point(s) of contact has (have) been notified to the Secretariat of the Treaty [Article 5(6)]

(if 'No', please clarify below)

Yes No **D. The national control list covers the following:**

	Yes	No
i) Battle tanks [Article 2(1a)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Armored combat vehicles [Article 2(1b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Large-caliber artillery systems [Article 2(1c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Combat aircraft [Article 2(1d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Attack helicopters [Article 2(1e)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>

vi)	Warships [Article 2(1f)]	<input type="checkbox"/> ,x	<input type="checkbox"/>
vii)	Missiles and missile launchers [Article 2(1g)]	<input type="checkbox"/> ,x	<input type="checkbox"/>
viii)	Small arms and light weapons [Article 2(1h)]	<input type="checkbox"/> ,x	<input type="checkbox"/>
The national control list also includes the following, in order to enable the application of Articles 3 and 4:		Yes	No
ix)	Ammunition/Munitions for the conventional arms covered in Article 2(1) [for the application of Article 3]	<input type="checkbox"/> ,x	<input type="checkbox"/>
x)	Parts and components in a form that provides the capability to assemble the conventional arms covered in Article 2(1) [for the application of Article 4]	<input type="checkbox"/> ,x	<input type="checkbox"/>
If 'No' to any of the items above, please provide background below			
E. The national control list has been provided to the Secretariat of the Treaty [Article 5.4] (if 'No', please elaborate further below)		Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
As a member to Wassenaar Arrangement, Korea controls the transfer of items under Articles 2 through 4 of the ATT through WA's Munitions List. The list is published through the Public Notice of Strategic Items. (http://www.wassenaar.org/wp-content/uploads/2017/12/Stand_Alone_Munitions_List_WA_2017.pdf)			
F. Arms for recreational, cultural, historical and sporting purposes are included in the national control list [Article 2(1)(h) & Preamble, 13th para]		Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
If 'No', please provide further information below, for instance whether a separate set of controls are applied to these types of arms			
G. Additional categories not listed under Section A1.D are included in the national control list [Article 5(3)] (If 'Yes', please specify below)		Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Korea is enforcing export control of strategic items in accordance with Wassenaar Arrangement control list.			
H. Control list definitions are supplemented by more detailed definitions not in the control list itself [Article 5(3)] (If 'Yes', please provide further information below)		Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Korea applies the munitions list from the control list of the Wassenaar Arrangement.			
I. The national control list is publicly available [Article 5(4)] (if 'Yes', please provide information below as to how your control list is made publicly available - if available on the open internet please provide the hyperlink)		Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Korea's control list is shown in table 3 of the Public Notice of Strategic Items. Also, article 2 of the Act on the Safety Management of Guns, Swords, Explosives, etc. stipulates the items subject to control.			
J. Additional voluntary information about the national control system (please elaborate below - for instance regarding inter-agency coordination structures, training systems for relevant officials, transparency and accountability mechanisms, outreach to private actors such as industry, or any ongoing / planned review or change of the national control system or parts thereof)			
Korean government runs various outreach programs on export control systems to relevant government officials and also to the industries.			

2. PROHIBITIONS

A. The national control system prohibits authorization of transfers as defined by	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
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Article 2(2), of conventional arms covered under Article 2(1) and items covered under Articles 3 and 4, in the circumstances specified in Articles 6(1) to 6(3) (if 'No' in any respect, please elaborate below)				
B. International agreements to which the country is a Party, and which are considered relevant for the application of Article 6(2) (please list below)				
Wassenaar Arrangement, Missile Technology Control Regime, Convention on Certain Conventional Weapons, Arms Trade Treaty				
C. International agreements to which the country is a Party, and which are considered relevant for the application of Article 6(3) (please list below - for instance if)				
Wassenaar Arrangement, Missile Technology Control Regime, Arms Trade Treaty, The Geneva Conventions and Additional Protocols, Convention on the Prevention and Punishment of the Crime of Genocide, The Rome Statute.				
D. Guidelines exist for the assessment of whether a sanctions decision is applicable or not to an individual case (if 'No' in any respect, please elaborate below)			Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
E. Additional voluntary information relevant to prohibitions under Article 6 (please elaborate below - for instance if prohibitions are applied to a wider range of products than defined in Articles 2(1), 3 and 4)				

3. EXPORTS

A. The national control system includes the following:		Yes	No
i)	an authorization or licensing system for arms exports [Article 5(2)]	<input type="checkbox"/> ,x	<input type="checkbox"/>
ii)	export assessment criteria [Article 7]	<input type="checkbox"/> ,x	<input type="checkbox"/>
iii)	a risk assessment procedure [Article 7]	<input type="checkbox"/> ,x	<input type="checkbox"/>
If 'No' to any of the items above, please provide background below			
B. National export controls apply to the conventional arms covered under Article 2(1), and the items covered under Articles 3 and 4 (if 'No', please provide further information below)		Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
C. The national control system includes measures to ensure that all export authorizations are detailed and issued prior to export [Article 7(5)] (if 'No', please provide further information below)		Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
D. The national risk assessment procedure includes all the criteria described in Article 7(1)(a) and (b), and Article 7(4) (if 'No' in any respect, please elaborate below)		Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
E. The competent national authority(-ies) for the control of exports [Article 5(5)] (please specify below)			

Ministry of Foreign Affairs, Defense Acquisition Program Administration, Ministry of Trade, Industry and Energy		
F. The national control system allows appropriate information about an export authorization to be made available, upon request, to the importing State Party and/or to the transit or trans-shipment States Parties [Article 7(6)] (if 'No' please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
G. The national risk assessment procedure includes the consideration of risk mitigation measures that could be undertaken to mitigate identified risks [Article 7(2)] (if 'Yes' please elaborate below, including an indication of types of risk mitigation measures that are most often used)		
Article 9 of the Public Notice of Strategic Items stipulates that the authority issuing the export license shall have prior consultation with the Minister of Foreign Affairs in the case where it is deemed that the issuance of certain export license may have significant impact on national security or diplomacy.		
H. The national control system allows exports of controlled equipment without a licence or under simplified procedure under certain circumstances [for instance temporary exports or exports to trusted partners] (if 'Yes' please provide further information below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Article 26 of the Public Notice of Strategic Items stipulates that the exporter may be exempt from the obligation to obtain export license for strategic items limited to goods in such cases as return for repair, exhibition , etc. with the condition that the exporter submits a report of the transaction to the licensing authority within 7 days after the actual export.		
I. The national risk assessment procedure includes other criteria <u>not</u> mentioned in the articles cited in 3.D above (if 'Yes' please specify below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Korea considers additional criteria such as possible inflow of the item or relevant technology into Democratic People's Republic of Korea or other hostile countries, stability of domestic politics, and export denial record from other member states of international export control regimes, etc..		
J. Measures to exercise control over exports are applicable also to other categories of conventional arms than those covered in Articles 2(1), 3 and 4 [Article 5(3)] (if 'Yes', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Control on strategic items is enforced based on the Foreign Trade Act and the control list as provided in table 3 of the Public Notice of Strategic Items. The scope of the enlisted items in the Public Notice of Strategic Items is wider than those covered in Articles 2(1), 3 and 4 of the ATT. Also, Defense Acquisition Program Act and the Act on the Safety Management of Guns, Swords, Explosives, etc. covers wider scope than Articles 2(1), 3 and 4 of the ATT. As a party to the CWC, Korea controls chemical agents under the Act on the Control of the Manufacture, Export and Import, etc. of Specific Chemicals and Chemical Agents for the Prohibition of Chemical and Biological Weapons.		
K. An export authorization can be reassessed if new relevant information becomes available [Article 7(7)] (if 'Yes', please provide further information below. Are there also legal provisions for suspension or withdrawal of a license?)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Paragraph 4, Article 57 of Defense Acquisition Program Act stipulates that DAPA Minister may place limitations on, or order an adjustment of, the exportation of defense materials and defense technology after consultation with the head of the relevant administrative agency where it is necessary for international peace, maintenance of safety, and national security, diplomatic friction is likely to occur as a result of exporting major defense materials and national defense science and technology, etc.. Also under Article 24.3 of Foreign Trade Act stipulates that the licensing authority may cancel the license under certain conditions. Article 47 of the Act on the Safety Management of Guns, Swords, Explosives, etc. stipulates that a permitting agency may issue or take necessary measures such as temporary prohibition or restriction on the manufacture, sale, giving and receiving, export and import, loading, transportation, storage, possession, use or discarding against manufacturer, dealers, renters, persons permitted to export or import or to possess guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows, installers of explosives storage facilities, explosive users, or other handlers.		
L. Information / documentation included in an application for an export authorization (please specify below)		

<p>Ministerial decree to the Defense Acquisition Program Act stipulates that the following documents shall be submitted to the licensing authority for export of defense materials and defense science and technology :</p> <ol style="list-style-type: none"> 1. a copy of L/C , export contract, bill of order or draft export contract(or letter of intent or equivalent to it) 2. a copy of end user certificate 3. a copy of documents explaining performance and purposes 4. a copy of contract for technology transfer 5. a copy of the license from a third country where necessary 6. a copy of statement on the impact of the export of the relevant technology on Korea and overseas 7. a statement on the delivery schedule <p>Also, article 20 of the Public Notice of Strategic Items stipulates the document requirements for the export of strategic items</p> <p>Article 17 of the Ministerial Decree to the Act on the Safety Management of Guns, Swords, Explosives, etc. stipulates document requirements for the export of guns, swords, explosives for non-military purposes.</p>		
<p>M. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for an export authorization [Article 5(5)] (please specify below)</p>		
<p>Public Notice of Strategic Items stipulates that the licensing authority shall consult with the Ministry of Foreign Affairs, Ministry of Defense, Ministry of Agriculture, Food and Rural Affairs, Ministry of Health and Welfare prior to issuing the export license.</p> <p>National Intelligence Agency provides opinion on the risks of exportation.</p> <p>Article 30 of the Foreign Trade Act and article 47 of the Enforcement Decree thereto stipulates the establishment of council for the control of exportation and importation of strategic items which consists of officials from the Ministry of Science and Information and Communications Technology, Ministry of Foreign Affairs, Ministry of Unification, Ministry of National Defense, Ministry of Trade, Industry and Energy, Nuclear Safety and Security Commission, Korea Customs Service, National Intelligence Service, Public Prosecutors' Office, National Police Agency, Korea Coast Guard, Defense Security Command.</p>		
<p>N. The national control system allows a State of final destination to request information concerning pending or actual export authorizations pertaining to it [Article 8(3)] (if 'No', please elaborate below)</p>	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
<p>O. Additional voluntary information relevant to national export controls (please specify below - for instance on the control of re-exports, or further detail on national measures indicated in 3A-D and F)</p>		

4. IMPORTS

<p>A. The national control system includes measures that allow the regulation, where necessary, of imports of conventional arms covered under Article 2(1) [ref Article 8(2)], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)] (if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)</p>	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
<p>· Currently the import approval is not unified, but is regulated as per relevant laws including article 226 of Customs Act, article 53 of Defense Acquisition Program Act and article 9 of the Act on the Safety Management of Guns, Swords, Explosives, etc..</p>		
<p>If 'Yes', please also answer the following question</p>		
<p>B. The competent national authority(-ies) for the regulation of imports [Article 5(5)] (please specify below)</p>		
<p>DAPA issues import approvals for commodities such as military firearms under the Defense Acquisition Program Act for certain items specified in the Public Notice on the Items Subject to Confirmation by Customs Office and the Confirmation Methods under the Customs Act. Meanwhile, National Police Agency issues import approvals for guns, swords, explosives, etc. other than military purposes.</p>		

C. The national control system allows for the provision, pursuant to national law and upon request, of appropriate and relevant information to assist an export assessment by a potential exporting State Party [Article 8(1)] (if 'No', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Provide information to the exporting countries such as EUS and EUC depending on their request.		
D. Imports of conventional arms subject to control are under specific circumstances permitted without regulation or under simplified procedure (if 'Yes' please provide further information below)	Yes <input type="checkbox"/>	No <input type="checkbox"/> ,x
E. Measures to regulate imports are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if 'Yes', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
In addition to weapons that fall under paragraph 1, article 2 of the treaty, certain items that are subject to the Public Notice on the Items Subject to Confirmation by Customs Office and the Confirmation Methods or guns controlled under the Act on the Safety Management of Guns, Swords, Explosives, etc. shall be subject to import approvals of the relevant authority.		
F. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for an import authorization (when such an authorization is required) [Article 5(5)] (please specify below)		
Ministry of Foreign Affairs, Ministry of National Defense, National Intelligence Service		
G. Information / documentation required for an import authorization (please specify below)		
Article 41(Permission of Construction and Modification of Manufacturing Facilities, etc. of Military Firearms and others) under Enforcement Rules on the Defense Acquisition Program Act 1. Documents proving the contractual relationship between the end user and importing party. 2. Import purchase order or purchase (import)contract 3. Items of import and document explaining purpose of use 4. Pledge of non-use for other than intended purposes Article 17(Application for approval of export and import) of Ministerial Decree to the Act on the Safety Management of Guns, Swords, Explosives, etc.. 1. Application form for export and import 2. Specification, performance and use of guns, swords, gas sprayer, electroshock weapon, crossbow and their user manual 3. Manual on the components and combination percentage of gunpowder, explosives and sprayer 4. Manual on the structure and making of blasting agents 5. Copy of import permit from the importing country or a copy of import license from the importing company 6. Certificate from a transit country that it agreed to the transit of powder-charged gun or explosives that are used for weapons that are lethal to human life		
H. Additional voluntary information relevant to national import controls (please specify below)		

5. TRANSIT & TRANS-SHIPMENT

A. The national control system includes measures that allow the regulation, where necessary and feasible, of transit of conventional arms covered under Article 2(1) [ref Article 9], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)] (if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Foreign Trade Act - Article 19 (Public Notice of Strategic Items, Export Permission Therefor, etc.), Article 23 (Order of Halt Transportation of Strategic Items, etc.), Article 24 (Brokerage of Strategic Items, etc.) Public Notice of Strategic Items: Article 3(Types of Licenses), Article 5 (Clearance Authority), Article 18		

(Guidelines for Export License), Article 56 (Transit/Transshipment License of Strategic Items)		
<p>Act on the Safety Management of Guns, Swords, Explosives, etc.</p> <p>- It is mandatory to secure an agreement from the transit countries when a person exports guns, swords, explosives, etc. which are controlled under the Act on the Safety Management of Guns, Swords, Explosives, etc. via a third country.</p> <p>Per the aforementioned domestic laws and regulations, export control is enforced in order to prevent any illegal trade and diversion of conventional weapon subject to the Arms Trade Treaty.</p> <p>The national export control list is regulated as per the international export control standard(WA, MTCR, NSG, and AG) by reflecting the export control systems in the Public Notice of Strategic Items and Table 4 of the said Public Notice.</p>		
<p>B. The national control system includes measures that allow the regulation, where necessary and feasible, of trans-shipment of conventional arms covered under Article 2(1) [ref Article 9], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)] (if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)</p>	Yes <input checked="" type="checkbox"/> ,x	No <input type="checkbox"/>
<p>Foreign Trade Act Article 19(Public Notice of Strategic Items, Export Permission Therefor, etc.), Article 23 (Order of Halt Transportation of Strategic Items, etc.), Article 24 (Brokerage of Strategic Items, etc.) Public Notice of Export and Import for Strategic Items: Article 3(Types of Licenses), Article 5 (Clearance Authority), Article 18 (Guidelines for Export License), Article 56 (Transit/Transshipment License of Strategic Items)</p> <p>Act on the Safety Management of Guns, Swords, Explosives, etc. Paragraph 3, article 47 stipulates that a permitting agency may issue or take necessary measures such as temporary prohibition or restriction on the manufacture, sale, giving and receiving, export and import, loading, transportation, storage, possession, use or discarding against manufacturer, dealers, renters, persons permitted to export or import or to possess guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows, installers of explosives storage facilities, explosive users, or other handlers.</p> <p>Per the aforementioned domestic laws and regulations, export control is enforced in order to prevent any illegal trade and diversion of conventional weapon subject to the Arms Trade Treaty.</p> <p>The national export control list is regulated as per the international export control standard(WA, MTCR, NSG, and AG) by reflecting the export control systems in the Public Notice of Strategic Items and Table 4 of the said Public Notice.</p>		
<p>C. Control measures for the regulation of transit and/or trans-shipment cover : (If 'Yes' to (ii) or (iii), please indicate in the free text field how enforcement is conceived - systematic control or only when information is available?)</p>	Yes	No
i) Transit / trans-shipment through land territory (including internal waters)	<input checked="" type="checkbox"/> ,x	<input type="checkbox"/>
ii) Transit / trans-shipment through territorial waters	<input checked="" type="checkbox"/> ,x	<input type="checkbox"/>
iii) Transit / trans-shipment through national air space	<input checked="" type="checkbox"/> ,x	<input type="checkbox"/>
<p>Article 56 (Transit/Transshipment License of Strategic Items) of the Public Notice of Export and Import for Strategic Items</p> <p>(1) "Any person who intends to transport strategic items by way of domestic port or airport or transship such items within the territory of the Republic of Korea" stated in Paragraph 3 under Article 23 of the Foreign Trade Act means international forwarding business as defined in the Framework Act on Logistics Policies or transport services as defined in the Maritime Transport Act, Port Transport Business Act, and Air Transport Business Promotion Act.</p> <p>(2) Anyone who intends to receive license for transit/transshipment according to article 40.2 of the Enforcement Decree shall submit application for the transit/transshipment license to the licensing authority along with the following documents.</p> <p>1. One copy of document relevant to a transaction such as export contract.</p> <p>2. Other document acknowledged by the head of licensing authority as necessary</p> <p>(3) Provisions regarding individual export license in Section 2, Chapter 3 shall apply to the procedures with regard to the transit/transshipment of paragraph 2 mutatis mutandis.</p> <p>Control on transit/transshipment is enforced only when the licensee applies for the license.</p>		

D. The competent national authority(-ies) for the regulation of transit and trans-shipment [Article 5(5)] (please specify below)		
· Ministry of Trade, Industry and Energy (Licensing Authority) · DAPA (Licensing authority)		
E. Transit / trans-shipment of controlled equipment is permitted without regulation or under simplified procedure under certain circumstances (for instance in a free trade area) (if 'Yes' please provide further information below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Article 26 of the Public Notice of Strategic Items stipulates that the exporter may be exempt from the obligation to obtain export license for strategic items limited to goods in such cases as return for repair, exhibition , etc. with the condition that the exporter submits a report of the transaction to the licensing authority within 7 days after the actual export. This article applies to the license for transit/trans-shipment mutatis mutandis.		
F. National control of transit and/or trans-shipment goes beyond the fulfillment of obligations under Article 6 of the Treaty (if 'Yes', please specify the additional scope of control and indicate whether the additional control applies to all items in the national control list)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
In addition to the obligation under article 6 of the treaty, where it is deemed that the risk of diversion exists, the licensing authority shall not issue license for transit/transshipment. This applies to all the items on the national control list.		
G. Measures to regulate transit and/or trans-shipment are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if 'Yes', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Control on transit/transshipment applies to all the items on the national control list.		
H. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a transit or trans-shipment authorization (when such an authorization is required) [Article 5(5)] (please specify below)		
Article 9 of the Public Notice of the Strategic Items stipulates that the licensing authority shall consult with the Ministry of Foreign Affairs, Ministry of National Defense, Defense Acquisition Program Administration, Ministry of Agriculture, Forestry and Rural Affairs, Ministry of Public Health and Welfare under certain conditions. National Intelligence Service provides risk assessment related information. Article 30 of the Foreign Trade Act and article 47 of the Enforcement Decree thereto stipulates the establishment of council for the control of exportation and importation of strategic items which consists of officials from the Ministry of Science and Information and Communications Technology, Ministry of Foreign Affairs, Ministry of Unification, Ministry of National Defense, Ministry of Trade, Industry and Energy, Nuclear Safety and Security Commission, Korea Customs Service, National Intelligence Service, Public Prosecutors' Office, National Police Agency, Korea Coast Guard, Defense Security Command.		
I. Information / documentation required in an application for a transit / trans-shipment authorization (please specify below)		
Article 56 of the Public Notice of Strategic Items (License for transit/transshipment of strategic items) (2) Anyone who intends to receive license for transit/transshipment according to article 40.2 of the Enforcement Decree shall submit application for the transit/transshipment license to the licensing authority along with the following documents. 1. One copy of document relevant to a transaction such as export contract. 2. Other document acknowledged by the head of licensing authority as necessary (3) The procedure necessary to obtain licensing for a Transit/transshipment shall apply mutatis mutandis as per the regulation stated in section 2, chapter 3 of the Public Notice.		
J. Additional voluntary information relevant to national transit / trans-shipment controls (please specify below)		

6. BROKERING

A. The national control system includes measures that allow the regulation, pursuant to national laws, of brokering of conventional arms covered under	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
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<p>Article 2(1) [ref Article 10], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)] (if 'Yes', please provide further information below on the nature of control measures and confirm that they apply to all items in the national control list. If 'No', please elaborate below)</p>		
<p>Foreign Trade Act Article 24 (Brokerage of Strategic Items, etc.) (1) Any person who intends to engage in brokering transfer or sale of strategic items, etc. from a foreign country to another foreign country shall obtain permission therefor from the Minister of Trade, Industry and Energy or the head of the relevant administrative agency, as prescribed by Enforcement Decree: Provided, That the same shall not apply to cases determined by Enforcement Decree, including cases for which export permission for the transfer or sale of strategic items, etc. has been obtained from the exporting country in accordance with the principles of the international export control system. (2) The Minister of Trade, Industry and Energy or the head of the relevant administrative agency may, upon receiving an application for brokerage permission pursuant to the main body of paragraph (1), grant the brokerage permission in accordance with the guidelines prescribed by Enforcement Decree for maintaining international peace and security as well as national security, Enforcement Decree of the Foreign Trade Act Article 41 (Application, etc. for Brokerage Permission for Strategic Items, etc.) Article 42 (Guidelines for Brokerage Permission) Public Notice of Strategic Items Subparagraph 5, article 2(Definitions), article 53(Items subject to brokering approval), article 54(Application for brokering approval), article 55(Criteria for approval of brokering and processes) Ministerial Decree of the Defense Acquisition Program Act Paragraph 4, Article 56(Export License for Defense Materials, etc.) Act on the Safety Management of Guns, Swords, Explosives, etc. Brokering of guns, swords and explosives is strictly prohibited and only authorized manufacturer or dealer may directly export, import or sell those items. The national export control list is regulated as per the international export control standard(WA, MTCR, NSG, and AG) by reflecting the export control systems in the Public Notice of Strategic Items and Table 4 of the said Public Notice.</p>		
<p>B. The definition of brokering used in national legislation [Articles 6(1) to 6(3) and Article 10] (please specify in particular if there are extraterritorial elements in the definition, for instance the activities of nationals resident abroad, or transfers that take place between two third countries)</p>		
<p>Article 24 of the Foreign Trade Act (1) Any person who intends to engage in brokering transfer or sale of strategic items, etc. from a foreign country to another foreign country shall obtain permission therefor from the Minister of Trade, Industry and Energy or the head of the relevant administrative agency, as prescribed by Enforcement Decree: Provided, That the same shall not apply to cases determined by Enforcement Decree, including cases for which export permission for the transfer or sale of strategic items, etc. has been obtained from the exporting country in accordance with the principles of the international export control system. (2) The Minister of Trade, Industry and Energy or the head of the relevant administrative agency may, upon receiving an application for brokerage permission pursuant to the main body of paragraph (1), grant the brokerage permission in accordance with the guidelines prescribed by Enforcement Decree for maintaining international peace and security as well as national security, etc. Enforcement Decree of the Foreign Trade Act Article 41 (Application, etc. for Brokerage Permission for Strategic Items, etc.) Subparagraph 5, Article 2(Definitions) of the Public Notice of the Strategic Items stipulates as follows: "Brokering" means an activity of arranging transfer goods from foreign to foreign countries in exchange for fees and other charges (paid or unpaid) Paragraph 2, Article 57 of Defense Acquisition Program Act (2) A person who intends to export or intermediate the trade of defense materials and defense technology, shall obtain permission therefor from the Administrator of the Defense Acquisition Program Administration, as prescribed by Enforcement Decree. (4) The Administrator of the Defense Acquisition Program Administration may place limitations on, or order an adjustment of, the exportation of defense materials and defense technology after consultation with the head of the relevant administrative agency, as prescribed by Enforcement Decree. The national export control list is regulated as per the international export control standard(WA, MTCR, NSG, and AG) by reflecting the export control systems in the Public Notice of Strategic Items and Table 4 of the said Public Notice. ※ The obligation to obtain license for brokering falls on natural persons or legal persons that are nationals of Korea as well as on the foreign natural persons or legal persons presiding in Korea.</p>		
<p>C. The competent national authority(-ies) for the regulation of brokering [Article 5(5)]</p>		

(please specify below)		
Ministry of Trade, Industry and Energy (MOTIE) Defense Acquisition Program Administration (DAPA)		
D. National brokering controls contain exemptions (for instance for national armed forces or defence industry) [Articles 6 & 10] (if 'Yes', please provide further information below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Paragraph 1, article 24 of the Foreign Trade Act stipulates that any person who intends to engage in brokering transfer or sale of strategic items, etc. from a foreign country to another foreign country shall obtain permission therefor from the Minister of Trade, Industry and Energy or the head of the relevant administrative agency, as prescribed by Enforcement Decree: Provided, That the same shall not apply to cases determined by Enforcement Decree, including cases for which export permission for the transfer or sale of strategic items, etc. has been obtained from the exporting country in accordance with the principles of the international export control system. Article 41.2 of the Enforcement Decree to the Foreign Trade Act stipulates that "Cases determined by Enforcement Decree, including cases for which export permission has been obtained in accordance with the principles of the international export control system" in the proviso to Article 24 (1) of the Act means any of the following cases 1. Where export permission is obtained from an exporting country in accordance with the principles of the international export control system pursuant to Article 19 (1) of the Act; 2. Where strategic items, etc. are imported or exported through brokerage in an area publicly announced by the Minister of Trade, Industry and Energy.		
E. National brokering controls go beyond the fulfillment of obligations under Article 6 of the Treaty (for instance regulating brokering in other situations) (if 'Yes', please specify the additional scope of control)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
In addition to the obligations under article 6 of the treaty, the licensing authority shall not issue license for brokering where it is deemed that there is an additional risk of diversion. This applies to all the items on the national control list.		
F. Measures to regulate brokering are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if 'Yes', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
Brokerage of strategic items applies to all the items on the national control list. Article 24 of the Foreign Trade Act stipulates that any person who intends to engage in brokering transfer or sale of strategic items, etc. from a foreign country to another foreign country shall obtain permission therefor from the Minister of Trade, Industry and Energy or the head of the relevant administrative agency.		
G. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a control measure related to brokering [Article 5(5)] (please specify below)		
The licensing authority shall consult with the Ministry of Foreign Affairs, Ministry of National Defense, Defense Acquisition Program Administration, Ministry of Agriculture, Forestry and Rural Affairs, Ministry of Public Health and Welfare under certain conditions. National Intelligence Service provides risk assessment related information. Article 30 of the Foreign Trade Act and article 47 of the Enforcement Decree thereto stipulates the establishment of council for the control of exportation and importation of strategic items which consists of officials from the Ministry of Science and Information and Communications Technology, Ministry of Foreign Affairs, Ministry of Unification, Ministry of National Defense, Ministry of Trade, Industry and Energy, Nuclear Safety and Security Commission, Korea Customs Service, National Intelligence Service, Public Prosecutors' Office, National Police Agency, Korea Coast Guard, Defense Security Command.		
H. Information / documentation required in an application related to brokering (please elaborate below)		
Article 54 of the Public Notice of Strategic Items (Application for Permission of Brokerage) copy of brokering contract or transaction relevant to the brokering Statement on the personnels involved with the brokering (exporter, importer, broker) Statement of the final consignee of the brokered items Other document acknowledged by the head of licensing authority as necessary		
I. Additional voluntary information relevant to national brokering controls (please specify below)		

7. DIVERSION

A. Measures foreseen in the national control system to prevent the diversion of conventional arms covered by Article 2(1) [Article 11(1)]		Yes	No
i)	assessing the risk of diversion of an export [Article 11(2)] (if 'No', please provide background below)	<input type="checkbox"/> ,x	<input type="checkbox"/>
ii)	cooperation and information exchange, where appropriate and feasible and pursuant to national law, with other States Parties [Article 11(3)] (if 'No', please provide background below)	<input type="checkbox"/> ,x	<input type="checkbox"/>
B. The national control system includes appropriate measures to be taken, pursuant to national law and in accordance with international law, when a diversion of transferred conventional arms under Article 2(1) has been detected [Article 11(4)] (if 'No', please elaborate below)		<input type="checkbox"/> ,x	<input type="checkbox"/>
C. Measures included in the national control system to prevent the diversion of conventional arms covered by Article 2(1) [Article 11(1)] :		Yes	No
iii)	establishment of mitigation measures [Article 11(2)]	<input type="checkbox"/> ,x	<input type="checkbox"/>
iv)	provision, upon request, of end use / end user documentation to the exporting State [Article 8(1)]	<input type="checkbox"/> ,x	<input type="checkbox"/>
v)	requirement for end use / end user assurances from an importing State (or industry) [Article 8(1)]	<input type="checkbox"/> ,x	<input type="checkbox"/>
vi)	examination, where appropriate, of parties involved in a transfer [Article 11(2)]	<input type="checkbox"/> ,x	<input type="checkbox"/>
viii)	requirement, where appropriate, for additional documentation, certificates, assurances for a transfer [Article 11(2)]	<input type="checkbox"/> ,x	<input type="checkbox"/>
ix)	exchange of relevant information with other States Parties on effective measures to address diversion, as well as on illicit activities and actors [Articles 11(5) & 15(4)]	<input type="checkbox"/> ,x	<input type="checkbox"/>
x)	reporting through the Secretariat to other States Parties on measures taken to address diversion of transferred conventional arms covered under Article 2(1) [Articles 11(6) & 13(2)]	<input type="checkbox"/> ,x	<input type="checkbox"/>
xi)	other measures [Article 11(1)] (if 'Yes', please specify below)	<input type="checkbox"/>	<input type="checkbox"/> ,x
D. Measures included in the national control system, to be taken when a diversion of transferred conventional arms has been detected [Article 11(4)]		Yes	No
i)	alerting potentially affected States Parties	<input type="checkbox"/> ,x	<input type="checkbox"/>
ii)	investigative and law enforcement measures at the national level	<input type="checkbox"/> ,x	<input type="checkbox"/>
iii)	using international tracing mechanisms to identify points of diversion	<input type="checkbox"/> ,x	<input type="checkbox"/>
iv)	other measures (if 'Yes', please specify below)	<input type="checkbox"/>	<input type="checkbox"/> ,x

E. Measures taken to prevent or address diversion are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)] (if 'Yes', please elaborate below)	Yes <input checked="" type="checkbox"/> ,x	No <input type="checkbox"/>
Where it is deemed that there is a probability of diversion, the licensing authority will not grant license for export, brokering, transit or transshipment. This applies to all the items on the national control list according to article 19 of the Foreign Trade Act, article 50 of the Public Notice of Strategic Items and article 47 of the Act on the Safety Management .of Guns, Swords, Explosives, etc..		
F. Additional voluntary information relevant to the prevention of diversion of conventional arms (please specify below - for instance regarding measures in place to avoid diversion in the context of the international movement of conventional arms referred to in Article 2(3) of the Treaty)		

8. RECORD KEEPING

A. The national control system includes provisions for maintaining records regarding: [Article 12(1)] (it is mandatory to retain records for one of the two options below)		Yes	No
i)	issued authorizations for the export of conventional arms covered under Article 2(1) of the Treaty [Article 12(1)]	<input checked="" type="checkbox"/> ,x	<input type="checkbox"/>
ii)	actual exports of conventional arms covered under Article 2(1) of the Treaty [Article 12(1)] (if 'No' to both (i) and (ii), please elaborate below)	<input checked="" type="checkbox"/> ,x	<input type="checkbox"/>
B. Records are kept for a minimum of 10 years [Article 12(4)] (if 'No', please elaborate below)		Yes <input checked="" type="checkbox"/> ,x	No <input type="checkbox"/>
Relevant records of licensing are kept in the DB of D4B system, an export licensing system for items under the control list operated by DAPA and the records can be kept almost perpetually.			
C. The national control system includes provisions for maintaining records regarding :		Yes	No
i)	imports of conventional arms covered under Article 2(1) of the Treaty into national territory as final destination [Article 12(2)]	<input checked="" type="checkbox"/> ,x	<input type="checkbox"/>
ii)	authorizations for the transit and/or trans-shipment through national territory of conventional arms covered under Article 2(1) of the Treaty [Article 12(2)]	<input checked="" type="checkbox"/> ,x	<input type="checkbox"/>
iii)	authorizations related to the conduct of brokering activities included in the scope of the national control system (for instance relating to a register of brokers) [Article 10]	<input checked="" type="checkbox"/> ,x	<input type="checkbox"/>
D. Records cover other categories of conventional arms than those specified in Article 2(1) (if 'Yes', please elaborate below)		Yes <input checked="" type="checkbox"/> ,x	No <input type="checkbox"/>
Maintaining of records for export licenses is applied to all the items in national control list.			
E. Additional voluntary information relevant to national record keeping (please specify below - for instance types of information preserved in national records for exports and imports respectively)			

9. REPORTING

A. The national control system allows for the provision of information as required by Article 13(3) (if 'No', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
B. Additional voluntary information relevant to national reporting (please specify below, for instance if national reports are publicly available - if available on the open internet please provide the relevant hyperlink)		

10. ENFORCEMENT

A. Measures are in place that provide the ability to enforce of the national laws and regulations that implement the provisions of the Arms Trade Treaty [Article 14] (if 'No', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
B. National legislation allows the provision to another State Party of jointly agreed assistance in investigations, prosecutions and judicial proceedings in relation to violations of national measures established pursuant to this Treaty [Article 15(5)] (if 'No', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
C. National measures have been taken to prevent, in cooperation with other States Parties, the transfer of conventional arms covered under Article 2(1) of the Treaty becoming subject to corrupt practices [Article 15(6)] (please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
· Republic of Korea cooperates with international export control regimes for conventional weapons such as Wassenaar Arrangement(WA), Missile Technology Control Regime(MTCR) and Arms Trade Treaty(ATT).		
D. Additional voluntary information relevant to national enforcement (please elaborate below - for instance measures taken to criminalize offences against national laws and regulations that implement the provisions of the Arms Trade Treaty and to prescribe legal penalties in these cases.)		
<p>Foreign Trade Act Article 53 (Penalty Provisions) (1) A person who exports, transits/transships or engages in brokering for the purpose of international diffusion of strategic items, etc. shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding five times the value of goods, etc. which are exported, transit, transshipped or brokered Article 53.2 (Penalty Provisions) A person who violates an order to halt transportation shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 100 million won. In such cases, the imprisonment with labor and fine can be concurrently imposed.</p> <p>Defense Acquisition Program Act Article 62 (Penalty provisions) (2) A person who obtains permission under Article 53 or the main sentence of Article 57 (2) by fraud or other improper means, or performs a relevant act without obtaining permission, shall be punished by imprisonment, with or without prison labor, for not more than ten years, or by a fine not exceeding 100 million won.</p> <p>Act on the Safety Management of Guns, Swords, Explosives, etc. Article 70 (Penalty provisions) (1) 2. A person who violated article 9 (1) shall be punished by imprisonment with labor for not more than ten years, or by a fine not exceeding 20 million won.</p> <p>※ Article 9 (Permission, etc., for export and import)</p>		

11. INTERNATIONAL COOPERATION

A. Cooperation is possible with other States Parties of the Treaty with a view to its effective implementation, where such cooperation is consistent with national law and security interests [Article 15(1)] (if 'No', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
B. Additional voluntary information relevant to participation in international cooperation (please elaborate below - for instance in terms of the measures suggested in Article 15, or in terms of participation in international or regional cooperation in the transfer control area)		

12. INTERNATIONAL ASSISTANCE

A. National regulations and policy allow for the provision - upon request and if in a position to do so - of implementation assistance as set out in Article 16(1) (if 'No', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
B. National regulations and policy allow the provision of financial resources to the voluntary trust fund established under Article 16(3) of the Treaty (if 'No', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
C. Additional voluntary information relevant to the provision- or receipt of implementation assistance (please specify below - for instance regarding assistance provision capacities or assistance needs,)		

13. DISPUTE SETTLEMENT

A. National regulations and policy allow for consultations and, by mutual consent, cooperation in the settlement of disputes regarding the interpretation or application of the Treaty by at least one of the means outlined in Article 19(1) (if 'No', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
B. National regulations and policy allow for the settlement of disputes concerning the interpretation or application of the Treaty through recourse by mutual consent to arbitration as outlined in Article 19(2) (if 'No', please elaborate below)	Yes <input type="checkbox"/> ,x	No <input type="checkbox"/>
C. Additional voluntary information relevant to dispute settlement under the terms of the Treaty (please specify below)		