

ACT ON THE INVESTIGATION OF UNFAIR INTERNATIONAL TRADE PRACTICES AND REMEDY AGAINST INJURY TO INDUSTRY

Act No. 6417, Feb. 3, 2001

Amended by Act No. 7093, Jan. 20, 2004

Act No. 7796, Dec. 29, 2005

Act No. 8852, Feb. 29, 2008

Act No. 8933, Mar. 21, 2008

Act No. 9155, Dec. 19, 2008

Act No. 10230, Apr. 5, 2010

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to ensure the establishment of fair trade orders and the protection of domestic industries through determining the procedures for investigating and remedying the injury to domestic industries caused by unfair trade practices and increase in imports, etc., and to prescribe necessary matters to comply with international treaties on trade, including the Marrakesh Agreement Establishing the World Trade Organization.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "trade" means trade as provided for in subparagraph 1 of Article 2 of the Foreign Trade Act;
2. The term "goods, etc." means goods, etc. as provided for in subparagraph 1 of Article 2 of the Foreign

Trade Act;

3. The term "dumping" means dumping as provided for in Article 51 of the Customs Act;
4. The term "subsidies, etc." means subsidy or financial support as provided for in Article 57 of the Customs Act.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 3 (Ensuring Fairness and Transparency, etc.)

- (1) Commissioners and public officials of the Korea Trade Commission under Article 27 (hereinafter referred to as the "Trade Commission") and the persons conducting investigation under Article 37 shall fairly and transparently carry out their duties of investigation and make judgment, etc. under this Act.
- (2) Detailed standards for performance of duties under paragraph (1) may be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

CHAPTER II INVESTIGATIONS, ETC. OF UNFAIR INTERNATIONAL TRADE PRACTICES

Article 4 (Prohibition of Unfair International Trade Practices)

- (1) No one shall engage in any of the following acts (hereinafter referred to as "unfair international trade practices"): *<Amended by Act No. 10230, Apr. 5, 2010>*
 1. The following acts related to goods, etc. which violate patent rights, utility model rights, design rights, trademark rights, copyrights, neighboring copyrights, program copyrights, lay-out design rights of semiconductor integrated circuits, geographical indications or trade secrets protected by Acts and subordinate statutes of the Republic of Korea or treaties signed by the Republic of Korea as a party concerned (hereinafter referred to as "goods, etc. violating intellectual property rights"):
 - (a) Supplying goods, etc. violating intellectual property rights into Korea from overseas, or importing goods, etc. violating intellectual property rights or selling such imported goods domestically;
 - (b) Exporting goods, etc. violating intellectual property rights, or manufacturing such goods domestically

for export;

2. Acts of exporting or importing the following goods, etc.:

(a) Goods, etc. whose marks of origin are false or misleading;

(b) Goods, etc. whose marks of origin are damaged or modified;

(c) Goods which is subject to origin marking, but whose origin is not marked;

3. Acts of exporting or importing goods, etc. whose quality is falsely or exaggeratedly stated;

4. With respect to the implementation of export or import contracts, acts of disrupting import from or export to relevant areas by damaging Korea's international credibility, including export and import of goods, etc. which are profoundly differently from the details of contracts, and disputes arising therefrom.

(2) The Trade Commission may determine and announce the kinds or standards of violations under paragraph

(1) 1 and 3. *<Newly Inserted by Act No. 9155, Dec. 19, 2008>*

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 5 (Applications for Investigations, and Decisions on Commencement of Investigations, of Unfair International Trade Practices)

(1) Where it is considered that unfair international trade practices have occurred, any person may apply for the investigation thereof in writing to the Trade Commission.

(2) An application for the investigation of unfair international trade practices under paragraph (1) shall be made within one year from the date of the alleged violation.

(3) Upon receipt of an application under paragraph (1), the Trade Commission shall decide whether to commence the investigation within 20 days from the date of application.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 6 (Ex Officio Investigations)

The Trade Commission may undertake an ex officio investigation where the Trade Commission considers such investigation is necessary due to the existence of a reasonable suspicion of unfair international trade

practices.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 7 (Provisional Measures)

- (1) Any person who is suffering or has concerns over suffering irreparable injury by reason of unfair international trade practices of which the person filed an application for the investigation to the Trade Commission or the Trade Commission is undertaking the ex officio investigation may apply to the Trade Commission for an injunction or other measures (hereinafter referred to as "provisional measures") preventing injury from such unfair international trade practices.
- (2) Where provisional measures are applied for, the Trade Commission shall promptly complete the investigation and decide whether to take provisional measures. Where the Trade Commission opts to implement provisional measures, it shall issue an injunction or take other necessary measures to the relevant actor, without delay, in order to deal with related unfair international practices.
- (3) The Trade Commission may request assistance from the heads of administrative agencies concerned where the Trade Commission considers such action is necessary for the enforcement of provisional measures.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 8 (Provision of Security)

- (1) Any person who applies for provisional measures shall offer a security to the Trade Commission until the provisional measures under Article 7 (2) are decided.
- (2) With respect to the kind, appraisal, and method of offering of a security, and the change and supplement of a security under paragraph (1), Articles 29 through 32 of the Framework Act on National Taxes shall apply mutatis mutandis. In such cases, the "chief of the tax office" shall be deemed the "Trade Commission."
- (3) Where the Trade Commission decides not to accept an application for provisional measures or completes the investigation and judgment procedures on unfair international trade practices under Article 9 (1), the Trade Commission shall return the security.
- (4) With respect to the operation of the security system, other necessary matters, in addition to those

determined by paragraphs (1) through (3), shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 9 (Judgment and Notices, etc.)

- (1) Once the Trade Commission decides to commence an investigation under Article 5 (3), it shall promptly complete the investigation within six months from the relevant decision date and make judgment on the investigation.
- (2) The Trade Commission may extend the period under paragraph (1) twice within the limit of two months, where any of the following reasons exists:
 1. Where the procedure for dispute conciliation, including a lawsuit or patent trial with respect to unfair international practices under investigation, is underway;
 2. Where an applicant or respondent requests to extend the period on justifiable grounds;
 3. Other cases deemed necessary to extend the period for unavoidable reasons, including cases where matters to be investigated are complicated, or the relevant party fails to submit materials.
- (3) Where the Trade Commission make judgment on an unfair international trade practice, the Trade Commission shall give notice of the decision to the parties concerned and the persons interested without delay.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 10 (Corrective Measures)

- (1) Where the Trade Commission judges that unfair international trade practices under Article 4 (1) exist, the Trade Commission may order the relevant actor to do the matters as follows. In such cases, the Trade Commission shall seek the opinion from the Minister of Knowledge and Economy: *<Amended by Act No. 9155, Dec. 19, 2008>*
 1. Suspending import, export, sale, or manufacture of the goods, etc. concerned;
 2. Banning the landing of such goods, etc. or abandoning such goods;
 3. Making corrective advertising;

4. Publishing the fact of receiving a corrective order from the Trade Commission in violation of the Act;

5. Other necessary measures to correct unfair international trade practices.

(2) The Trade Commission may request assistance from the heads of administrative agencies concerned where the Trade Commission deems such request is necessary to take corrective measures under paragraph (1).

In such cases, the heads of administrative agencies concerned so requested shall cooperate with such request. *<Amended by Act No. 10230, Apr. 5, 2010>*

(3) Deleted. *<by Act No. 9155, Dec. 19, 2008>*

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 11 (Imposition of Penalty Surcharges)

(1) Where the Trade Commission judges that unfair international trade practices have occurred under Article 4 (1) 1, 3 or 4, the Trade Commission may impose a penalty surcharge upon the relevant actor, not exceeding an amount equivalent to 30/100 of the transaction amount prescribed by Presidential Decree: Provided, That where there is no transaction amount or where it is difficult to compute the transaction amount, as prescribed by Presidential Decree, the penalty surcharge may be up to, but not exceed, 500 million won.

<Amended by Act No. 8933, Mar. 21, 2008; Act No. 9155, Dec. 19, 2008; Act No. 10230, Apr. 5, 2010>

(2) Deleted. *<by Act No. 7093, Jan. 20, 2004>*

(3) Where the Trade Commission judges that unfair international trade practices occur under Article 4 (1) 2, the Trade Commission may impose a penalty surcharge of not more than 300 million won upon the relevant actor. *<Amended by Act No. 8933, Mar. 21, 2008; Act No. 9155, Dec. 19, 2008; Act No. 10230, Apr. 5, 2010>*

(4) The standards for imposition of a penalty surcharge under paragraphs (1) and (3) shall be prescribed by Presidential Decree. *<Amended by Act No. 8933, Mar. 21, 2008; Act No. 9155, Dec. 19, 2008>*

Article 12 (Extensions of Payment Deadline for Penalty Surcharge and Payment by Installments)

(1) The Trade Commission may extend the payment deadline for a penalty surcharge or permit a penalty surcharge to be paid in installments, where the amount of the penalty surcharge corresponds to the criteria determined by Presidential Decree and a person subject to payment of the penalty surcharge (hereinafter

referred to as "person liable for a penalty surcharge") is proven to have difficulty in paying the penalty surcharge in lump sum due to any of the following reasons. In such cases, if it is deemed necessary, the Trade Commission may require the person liable for a penalty surcharge to offer security:

1. Where substantial injury to property has been caused by calamity, natural disaster, etc.;
2. Where the business faces a considerable crisis due to deteriorating economic circumstances, including international trade;
3. Where a lump sum payment of the penalty surcharge is likely to result in considerable financial hardship;
4. Where other factors exist deemed equivalent to the conditions described in subparagraphs 1 through 3.

(2) In relation to the application procedures and methods for extending the payment deadline for a penalty surcharge and for its payment by installment, necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 13 (Collection of Penalty Surcharges and Disposition on Default, etc.)

- (1) Where a person liable for a penalty surcharge fails to pay it within the payment deadline, the Trade Commission shall collect an additional charge prescribed by Presidential Decree up to 5/100 of the amount of the penalty surcharge, payable from the date following the due date of payment to the date such payment is made.
- (2) Where a penalty surcharge is not paid within the payment deadline by a person liable for a penalty surcharge, the Trade Commission shall set a specific date for payment thereof and urge the person to pay it within such date, and where a person liable for a penalty surcharge fails to pay the penalty surcharge and additional charge within such specified date, the Trade Commission may collect in the same manner as the delinquent national taxes are collected.
- (3) Where the Trade Commission refunds penalty surcharges by reason of the decision on an objection under Article 14, ruling of administrative appeals or judgment of the court, etc., it shall offer the refunded additional charge for the period from the due date of payment from the refund date, in consideration of the interest rate of a financial institution, as prescribed by Presidential Decree.

Article 13-2 (Charges for Compelling Compliance)

- (1) With respect to a person who fails to comply with a corrective order within the corrective period after receiving the corrective order under Article 10 (1), the Trade Commission may, by designating considerable compliance period for the corrective order, impose charges for compelling compliance up to 5/1,000 of the price of the relevant goods. etc. per day, if the person fails to comply with the corrective order within the compliance period, as prescribed by Presidential Decree: Provided, That the total amount of charges imposed for compelling compliance shall not exceed the price of the relevant goods, etc.
- (2) The Trade Commission shall notify in writing that the charges for compelling compliance under paragraph (1) are imposed and collected before imposing the charges for compelling compliance under paragraph (1).
- (3) Where the Trade Commission imposes charges for compelling compliance under paragraph (1), it shall impose charges based on the document stating in detail the amount of charges for compelling compliance, reasons for imposition, payment deadline, collecting agency, method to raise an objection, and objection-raising agency, etc.
- (4) Where any person who receives an corrective order under Article 10 (1) complies with such order, the Trade Commission shall immediately stop imposing new charges for compelling compliance but collect the charges for compelling compliance already imposed.
- (5) The detailed criteria for computing the price of the relevant goods, etc. under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10230, Apr. 5, 2010]

Article 14 (Objections)

- (1) A person who objects to the Trade Commission's disposition under Article 10, 11 or 13-2 may raise an objection to the Trade Commission within 30 days from the date on which the person is notified of the disposition. *<Amended by Act No. 10230, Apr. 5, 2010>*
- (2) The Trade Commission shall render a decision as to an objection under paragraph (1) within 60 days after

the objection is raised: Provided, That if the decision cannot be made within the period because of unavoidable circumstances, such as the submission of new evidence during the process of investigation, the deadline for such decision may be extended up to 30 days.

- (3) A person raised an objection under paragraph (1) may file an administrative appeal under the Administrative Appeals Act or an administrative litigation under the Administrative Litigation Act, regardless of such objection.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 14-2 (Verification of Goods, etc. Violating Intellectual Property Rights)

- (1) After judging the goods, etc. violating intellectual property rights as unfair international trade practices, if the Trade Commission considers that unfair international trade practices under Article 4 (1) 1, with respect to the kind of goods equivalent to the goods, etc. violating intellectual property rights, are likely to occur or has already occurred, any person may request the Trade Commission to verify whether the relevant goods, etc. are goods, etc. violating intellectual property rights, as prescribed by Presidential Decree. *<Amended by Act No. 9155, Dec. 19, 2008>*

- (2) If there exists suspicion of the acts under paragraph (1) or (2), and it is required to verify such acts, the Trade Commission shall verify the suspicion ex officio.

- (3) When the Trade Commission verifies the acts pursuant to paragraph (1) or (2), the verification shall be limited to the scope required to determine whether the relevant goods, etc. are the same as the goods, etc. violating intellectual property rights or whether the relevant actor is a rightful person.

- (4) Where the Trade Commission verifies the acts pursuant to paragraph (1) or (2), it shall promptly notify a relevant party or interested person of the results thereof.

- (5) The acts verified by the Trade Commission as being the goods, etc. violating intellectual property rights pursuant to paragraph (1) or (2), shall be deemed the acts judged as unfair international trade practices under Article 4 (1) 1, as provided for in Article 9. *<Amended by Act No. 9155, Dec. 19, 2008>*

[This Article Newly Inserted by Act No. 8933, Mar. 21, 2008]

Article 14-3 (Provision of Rewards)

(1) Where the Trade Commission imposes penalty surcharges under Article 11 on an unfair international trade practice (including cases deemed unfair international trade practices under Article 14-2 (5)) under Article 4 (1) 1, it may provide not more than 10/100 of the amount of the penalty surcharges, which is the amount prescribed by Presidential Decree, within budgetary limits, as rewards, to a person under any of the following subparagraphs: *<Amended by Act No. 9155, Dec. 19, 2008>*

1. A person who applies to investigating or verifying the relevant unfair international trade practice;
2. A person who offers critical material or information on the suspicion of relevant unfair international trade practices, if the Trade Commission investigates or verifies the relevant unfair international trade practice ex officio.

(2) Any person prescribed by Presidential Decree, including those who file an application based on information acquired in service, or public officials who provided material, shall not be given the rewards under paragraph (1).

[This Article Newly Inserted by Act No. 8933, Mar. 21, 2008]

CHAPTER III INVESTIGATIONS, ETC. INTO INJURY TO INDUSTRY CAUSED BY INCREASED IMPORT

Article 15 (Applications for Investigations into Injury to Domestic Industry Caused by Increased Import of Particular Goods)

Where increased import of particular goods are causing or have concerns over causing serious injury to a domestic industry that produces the kind of goods same as the particular goods or the goods in direct competition with the particular goods, any interested person in such domestic industry or the heads of the central administrative agencies in charge of the domestic industry may apply to the Trade Commission for an investigation into the injury to the domestic industry caused by import of such goods.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 16 (Investigations into Injury to Domestic Industry)

- (1) Upon receipt of any application under Article 15 (1), the Trade Commission shall decide whether to commence an investigation in consultation with the head of the central administrative agency concerned within 30 days from the date of the application, and give notice of the decision to the applicant and the head of the central administrative agency concerned.
- (2) When the Trade Commission decides to commence an investigation under paragraph (1), the Trade Commission shall determine whether the import of particular goods causes serious injury to the domestic industry concerned within four months from the decision to commence the investigation is made: Provided, That where matters to be investigated are complicated, or where the applicant requests the period above to be extended for justifiable reasons, the period of investigation may be extended by a period not exceeding two months.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 17 (Recommendations for Safeguard Measures, etc.)

- (1) When the Trade Commission judges that the domestic industry is suffering or has concerns over suffering serious injury as a result of the investigation into injury under Article 16, the Trade Commission may decide on measures under any of the following subparagraphs (hereinafter referred to as "safeguard measures") and the relevant duration within one month from the date on which the determination is made and may recommend implementation of the measures to the head of the central administrative agency concerned:
 1. Adjustment of customs tariff;
 2. Quantitative restrictions on import of the goods concerned.
- (2) The Trade Commission may recommend the head of a related central administrative agency to implement the measures for promoting the restructuring of domestic industry (hereinafter referred to as "measures to promote restructuring") together with recommendations to implement the safeguard measures.
- (3) The duration of safeguard measures shall not exceed four years.
- (4) In deciding the safeguard measures and the relevant duration under paragraph (1), the Trade Commission

shall comprehensively take into account the impacts of the safeguard measures on the industries concerned, domestic price levels, consumer interests, and international trade relations, etc.

- (5) In deciding the safeguard measures and the relevant duration under paragraph (1), the Trade Commission shall limit to the extent necessary to prevent or remedy serious injury to the domestic industry and to facilitate structural adjustments of the domestic industry.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 18 (Recommendations for Provisional Safeguard Measures)

- (1) Where the Trade Commission receives an application for provisional measures on the goods subject to an application for investigation from an applicant for investigation during the investigation period as referred to in Article 16, and where it has judged that there exists obvious evidence that the domestic industry that produces the kind of goods same as the particular goods or the goods in direct competition with the particular goods is to suffer or has concerns over suffering serious injury at irrecoverable levels due to the increase of import of relevant products unless the injury, etc. to occur during the said investigation period are prevented, the said Commission may recommend the heads of related central administrative agencies to provisionally implement the safeguard measures as referred to in Article 17 (1) 1 (hereinafter referred to as "provisional safeguard measures").

- (2) The duration of provisional safeguard measures shall not exceed 200 days.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 18-2 (Procedures of Application for Investigations into Injury to Domestic Industry)

Matters necessary for the procedures of making an application for investigation under Article 15, the scope of domestic industry, the scope of interested parties, the period for deciding whether to commence the investigation, and the procedures of making an application for provisional safeguard measures, etc. shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 19 (Implementation and Withdrawal of Safeguard Measures, etc.)

- (1) When the head of the central administrative agency is recommended from the Trade Commission to implement safeguard measures, provisional safeguard measures or measures to promote restructuring, he/she shall decide whether to implement the relevant measures, the details of the measures, and relevant duration within one month, and notify the Trade Commission thereof. In such cases, if preparations are necessary as a consultation with major interested States and amendments, etc. of the Acts and subordinate statutes for the implementation of safeguard measures, provisional safeguard measures or measures to promote restructuring, the duration required for such preparations shall not be included therein.
- (2) The head of a central administrative agency shall, in determining whether to take safeguard measures or provisional safeguard measures under his/her jurisdiction, seek the opinion of the heads of other central administrative agencies concerned on the impacts of such measures on international trade relations, national economy and industry as a whole.
- (3) In the event that the duration of safeguard measures is one year or more, the heads of central administrative agencies shall gradually liberalize the safeguard measures, on the cycle of a specific duration.
- (4) The head of the central administrative agency shall withdraw safeguard measures where the causes for the safeguard measures no longer exist. In such cases, the head may seek an opinion from the Trade Commission, if necessary.
- (5) With regard to the goods subject to safeguard measures, the heads of central administrative agencies shall be prohibited from re-implementing any safeguard measures from the expiration date of the duration of relevant safeguard measures to the time prior to elapsing the duration equivalent to the said duration (two years in cases where the duration of safeguard measures falls short of two years): Provided, That if the following requirements are satisfied, the safeguard measures for not more than 180 days may be implemented:
 1. One year has to be elapsed since the safeguard measures on the relevant goods were implemented;
 2. The safeguard measures on the relevant goods shall not be more than twice within five years retrospectively from the date of re-implementing the safeguard measures.

Article 20 (Review, etc. of Safeguard Measures)

- (1) Where the duration of safeguard measures exceeds three years, the Trade Commission shall review whether to liberalize or withdraw the safeguard measures (hereinafter referred to as "interim review") before half the said duration has elapsed.
- (2) When the Trade Commission judges that it is necessary to liberalize or withdraw safeguard measures as a result of the interim review, it may recommend the heads of related central administrative agencies thereof.
- (3) When the Trade Commission judges that it is necessary to take measures to promote restructuring on the domestic industry as a result of the interim review, it may recommend the heads of related central administrative agencies to do so.
- (4) When the head of central administrative agency has been recommended as referred to in paragraph (2) or (3), Article 19 (1) and (2) shall apply mutatis mutandis.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 20-2 (Examination of Extension, etc. of Safeguard Measures)

- (1) Where an application from an applicant for investigation as referred to in Article 15 exists with regard to the safeguard measures in progress, the Trade Commission may examine whether to make recommendations for the extension, etc. of such measures.
- (2) When the Trade Commission judges that there exists, as a result of the examination as referred to in paragraph (1), evidence that the domestic industry is in the process of restructuring, and that it is necessary for preventing or remedying serious injury to the domestic industry, it may recommend the heads of related central administrative agencies, one month before the expiration date of the relevant safeguard measures, to alter the details of safeguard measures or to extend their application duration.
- (3) The Trade Commission may recommend the heads of related central administrative agencies, together with the recommendations as referred to in paragraph (2), to implement the measures to promote restructuring.
- (4) When the head of a central administrative agency has been recommended pursuant to paragraph (2) or (3)

from the Trade Commission, he/she shall hear the opinions of the heads of related central administrative agencies before the measures currently in progress come to a close, and determine whether to implement the relevant measures, the details of measures and their duration, and notify the Trade Commission thereof. In such cases, the details of measures to be altered and the details of measures within the application duration to be extended shall be more liberalized than the original measures.

- (5) When the details of safeguard measures are altered or their application duration are extended pursuant to paragraph (4), the durations derived from adding up the duration of original safeguard measures (including the duration of provisional safeguard measures) to their extended duration shall not exceed eight years.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 21 Deleted. *<by Act No. 8933, Mar. 21, 2008>*

Article 22 (Safeguard Measures on Services)

- (1) Due to the increased supply of services by a foreign provider, where the domestic industry that supplies the kind of services same as the domestic services or the services in direct competition with the domestic services is suffering or has concerns over suffering serious injury, any person who is in the interests of the domestic industry or the head of the central administrative agency in charge of the domestic industry may apply to the Trade Commission for an investigation into injury to the domestic industry.
- (2) When the Trade Commission receives an application pursuant to paragraph (1), it shall determine whether to commence the investigation, and if it judges as a result of the investigation that the relevant domestic industry is suffering or has concerns over suffering serious injury, it shall determine safeguard measures (hereinafter referred to as "services safeguard measures") and their duration, and it may recommend the heads of the central administrative agencies to implement services safeguard measures.
- (3) When the head of a central administrative agency has been recommended to implement services safeguard measures from the Trade Commission as referred to in paragraph (2), he/she shall determine whether to implement the relevant measures, the details of measures and their duration, and notify the Trade Commission thereof.

(4) Matters necessary for the procedures of making an application for investigation on services safeguard measures as referred to in paragraphs (1) through (3), the scope of domestic industry, the scope of interested parties, and the period for deciding whether to commence the investigation, shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 22-2 (Special Safeguard Measures against Specific Member States of WTO)

(1) Where the goods having the country prescribed by Presidential Decree as the origins from among the member states that join the WTO after 2001 fall under any of the following subparagraphs, the persons having an interest in the relevant domestic industry or the head of a related central administrative agency in charge of the relevant domestic industry may file with the Trade Commission an application for investigation in order to implement safeguard measures (hereinafter referred to as "special safeguard measures"):

1. Where the domestic markets of the goods same as the relevant goods or the goods in direct competition with the relevant goods are disturbed or have concerns over being disturbed, due to the increase in import of relevant goods;
2. Where the relevant goods are imported or have concerns over being imported into Korea as the serious trade conversion has occurred due to the measures that have been taken by the member states of WTO against the increase of import of relevant products in order to remedy or prevent any disturbance of markets in their states;
3. If the relevant goods are the items subject to the Agreement on Textiles and Clothing, where the trade development of the said items are impeded or have concerns over being impeded, as the import of relevant goods have disturbed the domestic markets.

(2) Where the Trade Commission receives an application pursuant to paragraph (1), it may recommend, after carrying out investigation following the decision on whether to commence the investigation, the heads of related administrative agencies to implement the safeguard measures, etc. as referred to in Article 17 (1) or

- (2) when judged that the result falls under paragraph (1) 1 or 2, and to implement the safeguard measures as referred to in Article 17 (1) 2 when judged that the result falls under paragraph (1) 3.
- (3) Where the Trade Commission receives from an applicant for investigation an application for the provisional measures on the goods applied for investigation as referred to in paragraph (1) 1, when it has judged that unless the injury, etc. to occur during the said investigation period are prevented, the domestic markets are disturbed or have concerns over being disturbed at the irrecoverable levels due to the increase of import of relevant goods, it may recommend the heads of related administrative agencies to implement the safeguard measures as referred to in Article 17 (1) provisionally within the limit of 200 days (hereinafter referred to as "provisional special safeguard measures").
- (4) Where an application from an applicant for investigation as referred to in paragraph (1) exists with regard to the special safeguard measures in implementation as falling under the case of paragraph (1) 1, when the Trade Commission has judged that they are necessary for preventing or remedying any market disturbance of the domestic industry, it may recommend the heads of related administrative agencies to extend special safeguard measures and to take measures to promote restructuring.
- (5) When the head of central administrative agency has been recommended from the Trade Commission, as referred to in paragraphs (2) through (4), for implementing special safeguard measures, provisional special safeguard measures, extension of special safeguard measures, or measures to promote restructuring, it shall determine whether to implement the relevant measures, the details of measures and their duration, and notify the Trade Commission thereof.
- (6) Matters necessary for the countries subject to special safeguard measures and provisional special safeguard measures, the procedures for making an application for investigation, the scope of domestic industry, the scope of interested parties, and the period for deciding whether to commence the investigation, etc. under paragraphs (1) through (5) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 22-3 (Safeguard Measures by Free Trade Agreements with Foreign States)

- (1) Where free trade agreements concluded bilaterally or multilaterally between Korea and foreign states (hereinafter referred to as "FTA") prescribe that injury, etc. to the domestic industry due to the increase of import of specific goods may be remedied (including cases where a FTA separately stipulates specific goods and prescribes injury, etc. to the domestic industry due to the increase of import of the specific goods may be remedied) and when the domestic industry producing the kind of goods same as the particular goods or the goods in direct competition with the particular goods or domestic markets are suffering or have concerns over suffering from the injury, etc. as prescribed in the FTA due to the increase of import of the specific goods from the relevant states (hereafter referred to as "injury, etc. to industry" in this Article), the interested parties of relevant domestic industry or the head of related central administrative agency in charge of relevant domestic industry may file with the Trade Commission an application for the investigation to implement corrective measures of custom tariffs decided on in a FTA (hereinafter referred to as "FTA safeguard measures").
- (2) When the Trade Commission receives an application pursuant to paragraph (1), and when it has judged, through the investigation after determining whether to commence investigation, that there exists the injury, etc. to the relevant domestic industry or domestic markets, it shall determine FTA safeguard measures and their duration to prevent or remedy the injury, and may recommend the head of related central administrative agency to implement the FTA safeguard measures.
- (3) The Trade Commission may recommend the head of a related central administrative agency to implement measures to promote restructuring as well as the FTA safeguard measures under paragraph (2).
- (4) Where the Trade Commission has received from an applicant for investigation an application for provisional measures on the goods applied for investigation during the investigation period referred to in paragraph (2), and when it has judged that unless the injury, etc. to occur during the said investigation period are prevented, the domestic industry producing the kind of goods same as the particular goods or the goods in direct competition with the particular goods or the domestic markets are disturbed or have concerns over being disturbed at the irrecoverable levels due to the increase of import of relevant goods, it may recommend the

heads of related administrative agencies to implement provisional measures in order to remedy the injury (hereinafter referred to as "provisional FTA safeguard measures").

- (5) Where there has been an application for FTA safeguard measures in implementation from an applicant for investigation as referred to in paragraph (1), and when the Trade Commission has judged that they are necessary for preventing or remedying injury, etc. to the domestic industry or domestic markets, it may recommend the head of a related central administrative agency to implement FTA safeguard measures and to extend their duration.
- (6) When the head of the related central administrative agency has been recommended from the Trade Commission as referred to in paragraphs (2) through (5) to implement FTA safeguard measures, provisional FTA safeguard measures or the extension of FTA safeguard measures, or measures to promote restructuring, he/she shall determine whether to implement the relevant measures, the details of the measures, and their durations, and notify the Trade Commission thereof.
- (7) Matters necessary for the countries subject to FTA safeguard measures and provisional FTA safeguard measures, standards to determine injury, etc. to the industry with regard to specific goods separately stipulated in a FTA, the procedures for making an application for investigation, the scope of domestic industry, the scope of interested parties, and the period for deciding whether to commence the investigation, etc. as referred to in paragraphs (1) through (6) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 22-4 (Abatement of Implementation of Safeguard Measures against FTA Counterparts)

- (1) Where a FTA stipulates that safeguard measures need not to be applied to a FTA counterpart, and where the Trade Commission has judged that the domestic markets are not disturbed or have not concerns over being disturbed due to the increase of import of relevant goods while investigating injury to the domestic industry under Article 16, Articles 15 through 20, and 20-2 may not be applied to the FTA counterpart.
- (2) Matters necessary for the countries subject to abate implementation, requirements of implementation abatement, procedures for investigation, etc. shall be prescribed by Presidential Decree.

Article 22-5 (Trade Damage Support Measures on Increase in Import of Specific Goods following FTA)

- (1) Where the domestic industry producing the kind of goods same as the particular goods or the goods in direct competition with the particular goods are suffering or have concerns over suffering from the severe injury due to the increase in import of the specific goods from a FTA counterpart (hereafter referred to as "trade damage" in this Article), the interested parties of the relevant domestic industry or the head of the related central administrative agency taking charge of relevant domestic industry may file with the Trade Commission an application for the investigation to implement the support measures necessary to boost competitiveness of the domestic industry and to promote restructuring (hereinafter referred to as "trade damage support measures").
- (2) Article 16 shall apply mutatis mutandis to the investigation and judgment of trade damage following an application under paragraph (1). In such cases, "Article 15" in Article 16 (1) shall be deemed "Article 22-5 (1)" and "whether the import of particular goods cause serious injury to the domestic industry" in paragraph (2) of the same Article shall be deemed "whether it falls under the case of trade damage."
- (3) Where the Trade Commission has judged, as a result of the investigation under paragraph (2), that there exists trade damage to the domestic industry, it may decide the trade damage support measures and recommend the heads of related administrative agencies to implement thereof within one month from the date of judgment.
- (4) When the Trade Commission decides the trade damage support measures as provided for in paragraph (3), it shall do so within the scope necessary to prevent or remedy trade damage to the relevant domestic industry, to boost industrial competitiveness and to promote industrial restructuring.
- (5) Article 19 (1) and (4) shall apply mutatis mutandis to the implementation and cancellation of the trade damage support measures under paragraph (3). In such cases, "safeguard measures, provisional safeguard measures or measures to promote restructuring" in the former and later parts of Article 19 (1) shall be deemed "trade damage support measures," respectively, and "safeguard measures" in the former part of

paragraph (4) of the same Article shall be deemed "trade damage support measures."

(6) Matters necessary for the procedures for making an application for investigation of trade damage support measures, the scope of domestic industry, the scope of interested parties, and the procedures for investigation and judgment as referred to in paragraphs (1) through (5) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8933, Mar. 21, 2008]

Article 22-6 (Cooperation with Foreign States after FTA)

The Trade Commission may cooperate with the counterpart of a FTA in order to smoothly perform duties related to remedy against injury to an industry, including investigations into injury to an industry (excluding cases prescribed in the Customs Act and the Act on Special Cases of the Customs Act for the Implementation of Free Trade Agreements) to implement FTA safeguard measures, as prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8933, Mar. 21, 2008]

CHAPTER IV INVESTIGATIONS, ETC. OF INJURY TO INDUSTRY CAUSED BY DUMPING AND SUBSIDIES

Article 23 (Investigations, etc. into Injury to Industry Caused by Dumping)

The decision to commence an investigation into injury to an industry caused by dumping, investigation into allegations of dumping, investigation and judgment of injury to the industry caused by dumping, recommendation of anti-dumping measures to prevent dumping, review, etc., shall be made in accordance with Articles 51 through 56 of the Customs Act.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 24 (Investigations, etc. into Injury to Industry Caused by Subsidies)

The decision to commence an investigation into injury to an industry caused by subsidies, etc., investigation

of payment of subsidies, etc., investigation and judgment of injury to the industry caused by subsidies, etc., recommendation of countervailing measures, review, etc., shall be made in accordance with Articles 57 through 62 of the Customs Act.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

CHAPTER V INVESTIGATIONS INTO IMPACTS, ETC. ON INDUSTRIAL COMPETITIVENESS

Article 25 (Investigations into Impacts, etc. on Industrial Competitiveness)

The Trade Commission may investigate the impacts of import of goods or supply of services from foreign countries on the competitiveness of the domestic industry, and the effects, etc. of conclusion of the trade agreement or the alterations in the international trade systems on the domestic economy.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 25-2 (Investigations into Injury to Domestic Industry due to Violations of International Trade Norms by Trade Counterparts)

- (1) The Trade Commission may conduct an investigation on whether the domestic industry producing the specific goods or services suffers or has concerns over suffering any injury due to the systems and practices of the trade counterparts that violate international trade norms.
- (2) Matters necessary for the investigation as referred to in paragraph (1) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 25-3 (Recommendation for Remedy Measures)

When the Trade Commission has judged as a result of investigation as referred to in Article 25-2 that the domestic industry suffers or has concerns over suffering injury, it may recommend the head of related central administrative agency to implement the measures necessary for corrections of the details of

violations of the international trade norms by the trade counterparts.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 26 (Demand for Investigation Material)

The Trade Commission may, if deemed necessary by the Trade Commission for investigation under Article 25, demand that related agencies and organizations, such as the heads of the central administrative agencies concerned and the enterprise associations under Article 38 of the Industrial Development Act, submit material for investigation.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

CHAPTER VI TRADE COMMISSION

Article 27 (Establishment of Trade Commission)

(1) The Trade Commission shall be established within the Ministry of Knowledge and Economy to conduct investigations and make judgment on unfair international trade practices, injury to domestic industry caused by the increase of import, dumping, and subsidies, etc. and to investigate the impact on industrial competitiveness.

(2) A Secretariat shall be established within the Trade Commission to perform the functions and duties of the Trade Commission, as specified in paragraph (1), as well as the research on international trade systems, etc.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 28 (Functions and Jurisdiction of Trade Commission)

The duties under the jurisdiction of the Trade Commission shall be as follows:

1. To investigate and judge unfair international trade practices and to decide provisional measures;
2. To take corrective measures against and to impose penalty surcharges on persons that commit unfair international trade practices;
3. To conduct investigations of injury to the domestic industry due to the increase in import and make

judgment thereon;

4. To make recommendations, interim reviews or examination of extension for the measures as follow:
 - (a) Safeguard measures and provisional safeguard measures;
 - (b) Services safeguard measures;
 - (c) Special safeguard measures and provisional special safeguard measures;
 - (d) FTA safeguard measures and provisional FTA safeguard measures;
5. To investigate and determine trade damage, and recommendation of support measures for trade damage as referred to in Article 22-5;
6. To investigate the impacts, etc. on the competitiveness of the domestic industry as referred to in Article 25;
7. To investigate injury to the domestic industry due to the violations of international trade norms by the trade counterparts as referred to in Article 25-2;
8. To decide whether to commence investigations into injury to an industry, to investigate allegations of dumping, to investigate and determine injury to an industry caused by dumping, and to make recommendations on or review anti-dumping measures, with respect to the imposition of anti-dumping duties under Articles 51 through 56 of the Customs Act;
9. To decide whether to commence investigations into injury to an industry, to investigate the payment of subsidies, etc., to investigate and determine injury to an industry caused by subsidies, etc., and to make recommendations on or review the countervailing measures, with respect to the imposition of countervailing duties under Articles 57 through 62 of the Customs Act;
10. To deliberate whether a company is subject to trade adjustment assistance under Article 6 (2) of the Act on Trade Adjustment Assistance Following the Free Trade Agreements;
11. To investigate and research rules, systems and cases of disputes relating to international trade;
12. To conduct tasks authorized to the Trade Commission by other Acts and subordinate statutes;
13. To investigate and recommend measures recognized by the Trade Commission as necessary, such as

the promotion of fair trade.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 29 (Composition, etc. of Trade Commission)

- (1) The Trade Commission shall be comprised of no more than nine commissioners, including one chairperson.
- (2) The number of commissioners working on a full time basis shall be determined by Presidential Decree.
- (3) The chairperson and other commissioners shall be appointed or commissioned by the President upon recommendation of the Minister of Knowledge and Economy from among persons falling under any of the following subparagraphs:
 1. A person who has served in the field of trade promotion, business management, accounting, customs or intellectual property rights for ten years or more;
 2. A person who majored in law, economics, business administration, or public administration at a school under Article 2 of the Higher Education Act and served for ten years or more at a university or publicly authorized research institute under the same Article as an associate professor or higher or as a staff member holding the equivalent position;
 3. A person who had a career as a judge, prosecutor, or attorney-at-law for ten years or more;
 4. A person who served as a public official belonging to the Senior Civil Service in the field of industrial policy, trade promotion or customs administration.
- (4) The chairperson and commissioners shall be appointed for a threeyear term and may be reappointed or recommissioned.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 30 (Chairperson)

- (1) The chairperson shall represent the Trade Commission.
- (2) If the chairperson is unable to perform his/her duties due to unavoidable reasons, such as physical or mental impairment, a full-time commissioner with priority in appointment shall act on the chairperson's behalf.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 31 (Guarantee of Status of Commissioners)

No commissioner shall be dismissed or discharged from his/her office, except for cases falling under any of the following subparagraphs:

1. Where a commissioner is sentenced to imprisonment without prison labor or heavier punishment;
2. Where the Minister of Knowledge and Economy declares that a commissioner cannot perform his/her duties due to long-term physical or mental incapacity.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 32 (Quorum of Proceedings and Decision)

The presence of a majority of all commissioners shall constitute a quorum at any meeting of the Trade Commission, and its decision shall be made by an affirmative vote of a half or more of commissioners present.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 33 (Access to Trade Commission Proceedings)

- (1) The deliberation and decisions of the Trade Commission shall be open to the public: Provided, That this shall not apply where it is necessary for protecting trade secrets of interested persons or for public interest.
- (2) Decision making process of the Trade Commission shall not be made available to the public.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 34 (Exclusion, Challenge or Abstention of Commissioner)

- (1) No commissioner may take part in the proceedings or decisionmaking process any of the following cases:
 1. A case in which a commissioner or his/her spouse or ex-spouse is a party concerned, co-creditor or co-debtor;
 2. A case in which a commissioner is a relative to, or his/her affiliated corporation acts as a legal counsel or management consultant for, a party;
 3. A case of which a commissioner or his/her affiliated corporation testifies or makes an appraisal;
 4. A case in which a commissioner or his/her affiliated corporation is or was, as an attorney, engaged.

(2) Where the parties to the cases under investigation by the Trade Commission are under such situation that it is difficult to expect impartiality in the deliberation and resolution on the part of the commissioners, they may file an application for challenge with the Trade Commission, and when the said Commission deems that the application for challenge is pertinent, it shall make a decision of challenge.

(3) Where the commissioners themselves fall under the causes as referred to in any subparagraph of paragraph (1) or the causes under paragraph (2), they may abstain by themselves any deliberation or resolution of the said cases.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 35 (Prescriptions of Organization and Operation)

Except for those matters prescribed by this Act, other matters necessary for the organization and operation of the Trade Commission shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 36 (Investigations and Hearing of Opinions, etc.)

(1) Where necessary for the enforcement of this Act, the Trade Commission may take any or all of the following actions, as prescribed by Presidential Decree:

1. To require the attendance of any party, interested persons, or other reference persons to testify in the case;
2. To appoint or delegate an appraisal;
3. To request any opinion or advice from, or entrust any investigation to, the central administrative agencies, professional research institutes, enterprise associations, or experts.

(2) When the Trade Commission deems it necessary for the enforcement of this Act, it may order the parties to submit the data or goods required for the investigations.

(3) Where necessary for the enforcement of this Act, the Trade Commission may order its public officials to enter offices, business sites, factories, workplaces, shops, warehouses, or any other locations of the party or other persons interested to inspect books, documents and other material and to make inquiries as deemed necessary for the investigation.

(4) When the Trade Commission deems it necessary for the enforcement of this Act, it may order the heads of the central administrative agencies concerned to submit material required for the investigations. In such cases, the head so requested shall submit the material unless any extenuating circumstance exists. *<Newly Inserted by Act No. 10230, Apr. 5, 2010>*

(5) Public officials of the Trade Commission, entering any of the locations mentioned in paragraph (3) to make inspection and inquiries, shall carry a certificate indicating their authority and produce it to the persons concerned.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 37 (Composition of Investigative Team)

(1) Where the Trade Commission deems it necessary for the enforcement of this Act, an investigative team (hereinafter referred to as "investigative team") shall be formed, comprised of persons from any of the following categories:

1. Public officials of the Trade Commission;
2. Public officials from the central administrative agencies in charge of the relevant industry;
3. Executives and staff members of government-funded research institutions or enterprise associations, etc. related to the industry concerned under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions;
4. Other persons with expertise in industry, trade or international economy.

(2) The Trade Commission may seek any assistance deemed necessary from the heads of the central administrative agencies, government-funded research institutes, or enterprise associations concerned in the composition of the investigative team.

(3) Matters pertaining to the composition and operation of the investigative team shall be determined by Presidential Decree.

(4) The Trade Commission may provide any related allowances or travel expenses deemed necessary for members of the investigative team within budgetary limits.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 38 (Duty to Preserve Confidentiality)

Any commissioner or public official who engages or has engaged in his/her duties under this Act or any person who performs or has performed investigations thereunder shall not divulge any confidential information obtained during the course of duties or use any such information for purposes other than the investigation or determination related to the enforcement of this Act.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 39 (Legal Fiction as Public Official in Application of Penal Provisions)

Any commissioner who is not a public official among commissioners of the Trade Commission, and any person falling under Article 37 (1) 3 or 4 shall be deemed public officials in application of the penal provisions under the Criminal Act and other Acts.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 39-2 (Delegation and Entrustment of Authority)

(1) Part of the authority with which the Trade Commission is vested under this Act may, as prescribed by Presidential Decree, be delegated to the Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, Governor of a Special Self-Governing Province, and be entrusted to the heads of custom offices or other relevant administrative agencies.

(2) The Trade Commission shall direct and control a person delegated and entrusted with respect to the affairs delegated and entrusted under paragraph (1).

[This Article Newly Inserted by Act No. 10230, Apr. 5, 2010]

CHAPTER VIII PENAL PROVISIONS

Article 40 (Penal Provisions)

(1) Any person falling under any of the following subparagraphs shall be punished by imprisonment of not more than three years or by a fine not exceeding 30 million won: *<Amended by Act No. 9155, Dec. 19, 2008>*

1. Any person who exports or imports goods under any item of Article 4 (1) 2;
2. Any person who violates any order of the provisional measures under Article 7 (2);
3. Any person who violates any order of the corrective measures under Article 10 (1);
4. Any person who violates the duty to preserve confidentiality under Article 38.

(2) An appraiser appointed or delegated under Article 36 (1) 2 providing a false appraisal shall be punished by imprisonment of not more than two years or by a fine not exceeding 20 million won.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 40-2 (Attempted Criminal)

Any person who attempts to commit an offense under Article 40 (1) 1 shall be punished as committing any principal offense.

[This Article Newly Inserted by Act No. 9155, Dec. 19, 2008]

Article 40-3 (Negligence)

Any person who commits an offense under Article 40 (1) 1 by gross negligence shall be punished by a fine not exceeding 20 million won.

[This Article Newly Inserted by Act No. 9155, Dec. 19, 2008]

Article 41 (Joint Penal Provisions)

(1) Where any representative, agent, employee or other employed person of a corporation has committed an offence under Article 40 with respect to the business of the corporation, the corporation shall be punished by

a fine under the same Article, as well as the principal offender: Provided, That this shall not apply where such corporation has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such violation.

- (2) Where any agent, employee or other employed person of an individual has committed an offence under Article 40 with respect to the business of the individual, the individual shall be punished by a fine under the same Article, as well as the principal offender: Provided, That this shall not apply where such individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such violation.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

Article 42 (Fines for Negligence)

- (1) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding five million won:
1. Any party concerned or any interested person who refuses, obstructs or otherwise avoids necessary attendance stipulated in Article 36 (1) 1;
 2. Any party concerned who fails to submit the required data or goods as referred to in Article 36 (2) or has submitted the data or goods in falsity;
 3. Any person who refuses, obstructs or otherwise avoids inspection, or who has obstructed questioning stipulated in Article 36 (3).
- (2) The Trade Commission shall impose and collect fines for negligence under paragraph (1), as prescribed by Presidential Decree.
- (3) Any person who objects to a disposition of a fine for negligence under paragraph (2) may raise an objection to the Trade Commission within 30 days of receipt of the notice of such disposition.
- (4) Where a person subject to a fine for negligence under paragraph (2) has raised an objection under paragraph (3), the Trade Commission shall promptly notify the competent court of such fact, and the court so notified shall bring the case to a trial on the fine for negligence in accordance with the Non-Contentious

Case Litigation Procedure Act.

- (5) Where neither objection is raised nor is a fine for negligence paid within the period under paragraph (3), the fine for negligence shall be collected pursuant to the precedents of a disposition on national taxes in arrear.

[This Article Wholly Amended by Act No. 8933, Mar. 21, 2008]

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Provisions on Qualifications for Commissioners of Trade Commission)

The provisions of Article 29 (3) shall start applying to commissioners of the Trade Commission appointed or commissioned after this Act enters into force.

Article 3 (Transitional Measures as to Disposition, etc. Imposed by Minister of Commerce, Industry, and Energy)

At the time this Act enters into force, a disposition or order imposed or made by the Minister of Commerce, Industry and Energy in accordance with the former Foreign Trade Act in relation to unfair international trade practices shall be deemed a disposition or order in accordance with this Act.

Article 4 (Transitional Measures as to Investigation and Determination of Unfair International Trade Practices and Measures, etc. thereagainst)

The former provisions shall be applied to the matters on which an investigation procedure under Article 39 (3) of the former Foreign Trade Act concerning unfair international trade practices is pending at the time this Act enters into force.

Article 5 (Transitional Measures as to Remedial Measures)

At the time this Act enters into force, the remedial measures taken under Article 28 of the former Foreign Trade Act shall be deemed safeguard measures.

Article 6 (Transitional Measures as to Penal Provisions, etc.)

The application of penal provisions and provisions governing fines for negligence and penalty surcharges to any act committed before this Act enters into force shall be governed by the provisions of the former Foreign

Trade Act.

Article 7 Omitted.

ADDENDA <Act No. 7093, Jan. 20, 2004>

(1) (Enforcement Date) This Act shall enter into force nine months after the date of its promulgation.

(2) (Applicability to Deadline for Judgment on Investigations of Unfair International Trade Practices) The amended provisions of Article 9 (1) shall start applying to the first application for the investigation of unfair international trade practices after this Act enters into force.

(3) (Transitional Measures concerning Imposition of Penalty Surcharges) The former provisions shall govern the imposition of penalty surcharges on the acts committed before this Act enters into force.

ADDENDA <Act No. 7796, Dec. 29, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2006.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 8933, Mar. 21, 2008>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Provision of Security)

The amended provisions of Article 8 (1) shall start applying to the first person who applies for provisional measures after this Act enters into force.

Article 3 (Applicability to Decision to Commence Investigation into Unfair International Trade Practices and Judgment thereon)

The amended provisions of Articles 5 (3), and 9 (1) and (2) shall start applying to the first application for the investigation of unfair international trade practices after this Act enters into force.

Article 4 (Applicability to Refunded Additional Charges for Penalty Surcharges)

The amended provisions of Article 13 (3) shall start applying to the first case of refunding additional charge imposed after this Act enters into force.

Article 5 (Relations to other Acts and Subordinate Statutes)

Where other Acts and subordinate statutes cite the provisions of the former Act on the Investigation of Unfair International Trade Practices and Remedy against Injury to Industry at the time this Act enters into force, and if this Act has the provisions corresponding thereto, the corresponding provisions in this Act shall be deemed to have been cited in lieu of the former provisions.

ADDENDUM *<Act No. 9155, Dec. 19, 2008>*

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

ADDENDA *<Act No. 10230, Apr. 5, 2010>*

- (1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.
 - (2) (Applicability to Charges for Compelling Compliance) The amended provisions of Article 13-2 shall start applying to the first person who conducts unfair international trade practices after this Act enters into force.
 - (3) (Transitional Measures concerning Penalty Surcharges) The former provisions shall govern the application of penalty surcharges on the violation acts committed before this Act enters into force.
-