

FUSION ENERGY DEVELOPMENT PROMOTION ACT

Act No. 8079, Dec. 26, 2006

Amended by Act No. 8852, Feb. 29, 2008

Act No. 10445, Mar. 9, 2011

Act No. 10909, Jul. 25, 2011

Act No. 10911, Jul. 25, 2011

Act No. 11690, Mar. 23, 2013

Act No. 13346, Jun. 22, 2015

Act No. 14839, Jul. 26, 2017

Article 1 (Purpose)

The purpose of this Act is to contribute to the development of the national economy and the promotion of the welfare of the people by facilitating research and development of fusion energy, establishing infrastructure necessary for the generation and peaceful use of fusion energy, and promoting relevant technologies and industries.

Article 2 (Definitions)

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

1. The term "nuclear fusion" means a process by which two lighter atomic nuclei react with each other to fuse together and form a nucleus heavier than before the reaction;
2. The term "fusion energy" means all kinds of energy generated by nuclear fusion reactions.

Article 3 (Relationship with Other Acts)

(1) This Act shall prevail over the Nuclear Energy Promotion Act and other Acts in applying to research and development of fusion energy. <Amended by Act No. 10909, Jul. 25, 2011>

(2) Safe control in research and development of fusion energy shall be governed by the Nuclear Safety Act. <Amended by Act No. 10911, Jul. 25, 2011>

Article 4 (Establishment of Master Plans to Promote Development of Fusion Energy)

(1) In order to facilitate research and development of fusion energy, the Government shall establish a master plan to promote development of fusion energy including the following matters (hereinafter referred to as "master plan"): <Amended by Act No. 13346, Jun. 22, 2015>

1. The objective and basic direction of policies on fusion energy;
2. A system and the strategy for promoting research and development of fusion energy;

3. A plan to promote research and development of fusion energy;
4. Expansion of infrastructure for research and development of fusion energy;
5. An investment plan for research and development of fusion energy and procurement of necessary funds;
6. Training and utilization of professionals necessary for research and development of fusion energy;
7. International cooperation in research and development of fusion energy;
8. Development of infrastructure for production and use of fusion energy;
9. Safety control and safety research related to fusion energy;
10. Fostering industries related to fusion energy;
11. Other matters necessary for facilitating research and development of fusion energy.

(2) The Minister of Science and ICT shall prepare a master plan every five years in consultation with the heads of relevant central administrative agencies and shall confirm such plan following the deliberation of the National Fusion Energy Committee under Article 6 (1). The foregoing shall also apply to revisions to any master plan: Provided, That this shall not apply to revisions to any minor matter specified by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(3) When the master plan is confirmed pursuant to paragraph (2), the Minister of Science and ICT shall, without delay, give public notice thereof and notify the heads of relevant central administrative agencies thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(4) Matters necessary for the establishment of master plans shall be prescribed by Presidential Decree.

Article 5 (Establishment and Execution of Implementation Plans)

(1) The Minister of Science and ICT and the head of each relevant central administrative agency shall establish and execute an implementation plan each year with regard to matters under his/her jurisdiction in accordance with the master plan. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(2) The Minister of Science and ICT shall compile implementation plans for the pertinent year and the compliance status of implementation plans for the preceding year, as prescribed by Presidential Decree, and report them to the National Fusion Energy Committee under Article 6 (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(3) Matters necessary for the establishment and execution of implementation plans shall be prescribed by Presidential Decree.

Article 6 (The National Fusion Energy Committee)

(1) In order to deliberate on important matters concerning research and development of fusion energy, a National Fusion Energy Committee (hereinafter referred to as the "Committee") shall be established under the jurisdiction of the Minister of Science and ICT. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(2) The Committee shall be comprised of not more than 15 members, including one chairperson.

(3) The Minister of Science and ICT shall take the chair of the Committee, and other members shall be the following persons: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13346, Jun. 22, 2015; Act No. 14839, Jul. 26, 2017>

1. The Vice Minister II of Strategy and Finance, the Vice Minister I of Science and ICT, the Vice Minister II of Foreign Affairs 2, and the Vice Minister II of Trade, Industry and Energy;
2. Persons with extensive expertise and experience in research and development of fusion energy, commissioned by the chairperson.

(4) The Committee shall have one secretary, who shall be appointed by the chairperson from among public officials of the Ministry of Science and ICT. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>

(5) In order to conduct expert examination and prior coordination of agenda items to be submitted to the Committee for deliberation, a working committee shall be established, chaired by the Vice Minister I of Science and ICT under the jurisdiction of the Committee. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13346, Jun. 22, 2015; Act No. 14839, Jul. 26, 2017>

(6) Matters necessary for the operation of the Committee and the organization and operation of the working committee, shall be prescribed by Presidential Decree.

Article 7 (Functions of the National Fusion Energy Committee)

The Committee shall deliberate on the following matters:

1. Establishment and revision of master plans;
2. Establishment, compilation, and coordination of important policies on fusion energy;
3. Subsidization, etc. for research and development of fusion energy;
4. Fostering and support of institutes for research and development of fusion energy under Article 9 (1);
5. Evaluation of the results of promoting research and development of fusion energy;
6. Establishment and coordination of important policies on training and international exchange of professionals necessary for research and development of fusion energy;
7. Facilitation of the practical use of technology for fusion energy;
8. Other matters recognized by the chairperson as necessary.

Article 8 (Promotion of Projects for Research and Development of Fusion Energy)

(1) The Minister of Science and ICT shall establish a project plan to promote research and development of fusion energy in accordance with the master plan, shall select research themes on a yearly basis to efficiently implement such project plan, and then may allow institutions or organizations specified in subparagraphs of Article 14 (1) of the Basic Research Promotion and Technology Development Support Act under agreement concluded with him/her to study such research themes. In such cases, if an institution specified in Article 14 (1) 2 of the aforesaid Act has no power of representation, the Minister of Science and ICT may conclude an agreement with the representative of a corporation to which such institution belongs. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10445, Mar. 9, 2011; Act No. 11690, Mar. 23, 2013;

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(2) Costs and expenses incurred in implementing projects for research and development of fusion energy pursuant to paragraph (1) shall be covered with the following financial resources:

1. Contribution by the Government;
2. Contribution by any person other than the Government;
3. Balance accrued in the course of implementing projects for research and development of fusion energy and other revenues.

(3) The heads of institutions or organizations primarily responsible for the management of research under agreement on research themes of the projects for research and development of fusion energy under paragraph (1) (hereinafter referred to as "managing research institutes") may collect royalties from persons who use findings of research and development, as stipulated by the agreement.

(4) Where the heads of managing research institutes have collected royalties pursuant to paragraph (3), they shall report it to the Minister of Science and ICT. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(5) The royalties collected by the heads of managing research institutes pursuant to paragraph (3) shall be spent for the following purposes:

1. Compensation for researchers who have participated in projects for research and development of fusion energy;
2. Payments to institutions specializing in management of research and development projects specified by Presidential Decree;
3. Purposes specified by Presidential Decree, such as re-investment in projects for research and development of fusion energy.

(6) The Minister of Science and ICT shall spend the royalties paid to specialized institutions pursuant to paragraph (5) 2 for the purposes specified by Presidential Decree, such as re-investment in projects for research and development of fusion energy, in consultation with the Minister of Strategy and Finance. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(7) Industrial property rights, etc. arising from the findings of projects for research and development of fusion energy, shall be held by the managing research institutes: Provided, That persons specified by Presidential Decree, other than the Government, who have borne any costs and expenses incurred in projects for research and development under paragraph (2), may hold industrial property rights jointly with the managing research institutes.

(8) Matters necessary for the method of execution of agreements under paragraph (1), the disbursement, use, and management of financial resources under paragraph (2), collection of royalties under paragraph (3), compensation under paragraph (5) 1, and payments under paragraph (5) 2, shall be prescribed by Presidential Decree.

Article 9 (Institutes for Research and Development of Fusion Energy)

(1) For the purpose of handling research, development, and use, etc. of fusion energy in a professional manner under the supervision of the Minister of Science and ICT, institutes for research and development of fusion energy or agencies for providing services related to fusion energy and manufacturing fusion energy-related products (hereafter referred to as "institutes for research and development of fusion energy, etc." in this Article) may be established under the jurisdiction of the Minister of Science and ICT. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(2) Matters concerning the establishment and operation of institutes for research and development of fusion energy under paragraph (1) shall be prescribed by other Acts.

Article 10 (Training of Professionals)

(1) In order to develop human resources necessary for the promotion of research and development of fusion energy, the Government shall establish a plan to foster professionals in fusion energy and take measures for educational and training programs for such professionals.

(2) The Minister of Science and ICT, in consultation with the heads of relevant central administrative agencies, shall estimate supply of and demand for human resources necessary for research and development of fusion energy and shall endeavor to reflect the results in the plan to foster professionals in fusion energy and measures for training such professionals under paragraph (1). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 14839, Jul. 26, 2017>*

(3) In order to foster professionals in fusion energy, the heads of relevant central administrative agencies may designate colleges, research institutes, or any other institution or organization related to fusion energy as institutions for training professionals in fusion energy, as prescribed by Presidential Decree, which may provide educational and training programs.

(4) The heads of relevant central administrative agencies may subsidize costs and expenses incurred in connection with education and training under paragraph (3).

Article 11 (Expansion of Facilities Necessary for Research and Development of Fusion Energy)

The Government shall prepare and promote measures for expanding facilities and equipment necessary for research and development of fusion energy so as to efficiently promote research and development of fusion energy.

Article 12 (Support for Research and Development of Fusion Energy)

The Government shall formulate and promote measures necessary for supporting colleges, research institutes, and businesses in their research and development of fusion energy and for stimulating collaborative research between them. *<Amended by Act No. 13346, Jun. 22, 2015>*

Article 13 (Facilitation of Investment by Enterprises, etc. in Research and Development of Fusion Energy)

The Government shall prepare and promote measures for encouraging enterprises or private individuals to invest financial resources necessary for research and development of fusion energy or shall contribute funds to academia or research institutes.

Article 14 (Facilitation of International Cooperation)

In order to facilitate research and development of fusion energy, the Government shall devise a scheme for promoting international cooperation in the following matters:

1. Participation in international joint research and development projects, such as international projects for development and testing of fusion energy;
2. International exchange of fusion energy experts;
3. Invitation and utilization of foreign experts in fusion energy;
4. Other matters concerning the facilitation of international cooperation in fusion energy.

Article 15 (Confidentiality)

No member of the Committee or working committee or no public official who performs or has performed a duty under this Act, shall divulge confidential information known to him/her in the course of his/her duty or use such information for any purpose other than the purpose of the enforcement of this Act.

Article 16 (Penalty Provisions)

Any person who violates Article 15 shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won.

Article 17 Deleted. <by Act No. 13346, Jun. 22, 2015>

ADDENDUM

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

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. 10445, Mar. 9, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Act No. 10909, Jul. 25, 2011>

Article 1 (Enforcement Date)

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

Articles 5 and 6 Omitted.

ADDENDA <Act No. 10911, Jul. 25, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 13346, Jun. 22, 2015>

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

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

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.