

BROADCASTING ACT

Act No. 6139, Jan. 12, 2000

Amended by Act No. 6690, Apr. 20, 2002

Act No. 6803, Dec. 18, 2002

Act No. 6869, May 10, 2003

Act No. 6905, May 29, 2003

Act No. 7188, Mar. 11, 2004

Act No. 7190, Mar. 12, 2004

Act No. 7213, Mar. 22, 2004

Act No. 7370, Jan. 27, 2005

Act No. 7498, May 18, 2005

Act No. 7655, Aug. 4, 2005

Act No. 7815, Dec. 30, 2005

Act No. 8050, Oct. 4, 2006

Act No. 8060, Oct. 27, 2006

Act No. 8101, Dec. 28, 2006

Act No. 8301, Jan. 26, 2007

Act No. 8568, Jul. 27, 2007

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to promote the protection of the rights and interests of the viewers, the formation of the democratic public opinion and the improvement of the national culture, and to contribute to the development of broadcasting and advancement of public welfare by guaranteeing the freedom and independence of broadcasting and by enhancing the public responsibility of broadcasting.

Article 2 (Definitions of Terms)

The definitions of terms as used in this Act shall be as follows: <Amended by Act No. 7213, Mar. 22, 2004; Act No. 8060, Oct. 27, 2006; Act No. 8301, Jan. 26, 2007>

1. The term “broadcasting” means planning, programming or producing broadcast programs, and transmitting them to the general public (including the recipients under individual contracts; hereinafter referred to as the “viewers”) through telecommunication facilities, referring to any of the following items:

(a) Television broadcasting: Broadcasting which transmits broadcast programs composed of the instant

images of stationary or moving objects, and of the voices, sounds, etc. incidental thereto;

(b) Radio broadcasting: Broadcasting which transmits broadcast programs composed of voices, sounds, etc.;

(c) Data broadcasting: Broadcasting (excluding the cases of providing or mediating through communication network, such as the Internet; hereinafter the same shall apply) which transmits broadcast programs composed of, mainly, the data (referring to the letters, numerals, diagrams, graphs, images and other information systems), and of the images, voices, sounds and their combinations incidental thereto using the channels of the broadcasting business operators; and

(d) Digital multimedia broadcasting: Broadcasting which transmits television broadcasting, radio broadcasting and data broadcasting in complexity using multi-channels for the main purpose of receiving while moving;

2. The term "broadcasting business" means the business of conducting broadcasts which falls under the following items:

(a) Terrestrial broadcasting business: A business of managing and operating wireless stations on the ground aimed for broadcasting, and of conducting broadcasts by using them;

(b) CATV broadcasting business: A business of managing and operating CATV broadcasting stations (referring to the cable broadcasting station facilities and the employees thereof in whole for conducting multi-channel broadcasts; hereinafter the same shall apply), and of conducting broadcasts by using the transmission and line facilities;

(c) Satellite broadcasting business: A business of managing and operating wireless stations by owning or leasing the wireless facilities of artificial satellites, and of conducting broadcasts by using them; and

(d) Program providing business: A business of using the relevant channel by entering into a contract for exclusive use of whole or part of time of a specific channel with a terrestrial broadcasting business operator, a CATV broadcasting business operator, or a satellite broadcasting business operator;

3. The term "broadcasting business operator" means the person in each of the following items:

(a) Terrestrial broadcasting business operator: A person who has obtained a license under Article 9 (1) for operating a terrestrial broadcasting business;

(b) CATV broadcasting business operator: A person who has obtained a license under Article 9 (2) for operating a CATV broadcasting business;

(c) Satellite broadcasting business operator: A person who has obtained a license under Article 9 (1) for operating a satellite broadcasting business;

(d) Program providing business operator: A person who has registered or obtained approval under Article 9 (5) for operating a program providing business; and

(e) Community radio broadcasting business operator: A person who has obtained a license under Article 9 (11) for operating radio broadcasting for the purpose of public interest at ten watt or lower antenna power;

4. The term "CATV relay broadcasting" means receiving and relay-transmitting (including the audio and

video recordings which do not alter any broadcast pro-grams) a terrestrial broadcast (referring to a broadcast done by using the wireless stations on the ground aimed for broadcasting; hereinafter the same shall apply), a satellite broadcast (referring to a broadcast done by using the wireless stations of artificial satellites; hereinafter the same shall apply) operated by the Korean Broadcasting System under this Act and by a broadcasting business operator established under the Special Act, or a broadcast determined by the Presidential Decree;

5.The term “CATV relay broadcasting business” means a business of conducting CATV relay broadcasts;

6.The term “CATV relay broadcasting business operator” means a person who has obtained a license under Article 9 (2) for operating a CATV relay broadcasting business;

7.The term “CATV music broadcasting” means a transmission of music recorded on phonograms sold or distributed under the Sound Records, Video Products, and Game Software Act;

8.The term “CATV music broadcasting business” means a business of conducting the CATV music broadcasts;

9.The term “CATV music broadcasting business operator” means a person who has registered under Article 9 (5) for operating a CATV music broadcasting business;

10.The term “electric sign board broadcasting” means an act of presenting a broadcast program including news reports on an electric sign board at all times or continually for a specified period of time;

11.The term “electric sign board broadcasting business” means a business of conducting electric sign board broadcasts;

12.The term “electric sign board broadcasting business operator” means a person who has registered under Article 9 (5) for operating an electric sign board broadcasting business;

13.The term “signal transmission network business” means a business of installing and operating cable or wireless signal transmission and line facilities in order to transmit the broadcast programs from CATV broadcasting stations to viewers;

14.The term “signal transmission network business operator” means a person who has registered under Article 9 (10) for operating a signal transmission network business;

15.The term “broadcast programming” means an act of deciding the types, contents, quantity, time, and arrangements of the broadcasted items;

16.The term “broadcast field” means an area of broadcast programs classified into news reports, culture and entertainment, etc.;

17.The term “broadcast program” means the broadcast contents forming a unit of broadcast programming;

18.The term “general programming” means an act of organizing the broadcast programs so as to form a mutual harmony between the diverse broadcast fields such as news reports, culture and entertainment, etc.;

19.The term “specialized programming” means an act of specially organizing broadcast programs of a

particular broadcast field;

20. The term “pay broadcast” means a broadcast provided in return for a price by several channel units, channels or broadcast programs under a contract with viewers;

20-2. The term “channel” means a unit of television broadcasting, radio broadcasting or data broadcasting provided in the form of continuous flow or information system through the same frequency band;

21. The term “commercial broadcast” means a broadcast of contents aiming at advertisements;

22. The term “announcement of sponsors” means an announcement of the names or trade names, etc. of others after receiving from them the expenses, goods, services, manpower or places required directly or indirectly for the production of a broadcast program;

23. The term “person in charge of broadcast programming” means the person who makes the decisions concerning and takes the responsibility for the broadcast programming;

24. The term “news report” means programming a broadcast program of coverage and report, reviews, commentaries, etc. for current events with regard to overall politics, economy, society, culture, etc. inside and outside Korea; and

25. The term “general watching and listening right” means the right of the people to watch and listen to the broadcasts of sports games and other major events that are greatly popular with them.

Article 3 (Protection of Rights and Interests of Viewers)

A broadcasting business operator shall make the viewers be able to participate in decision-making with regard to planning, programming or producing broadcast programs, and shall make the results of broadcasts comply with the viewers’ interests.

Article 4 (Freedom and Independence of Broadcast Programming)

(1) The freedom and independence of broadcast programming shall be guaranteed.

(2) No one shall regulate or interfere with the broadcast programming unless as prescribed by this Act or other Acts.

(3) A broadcasting business operator shall appoint a person in charge of broadcast programming, and make an official announcement of his name during broadcasting hours at least once in a day, and guarantee the autonomous broadcast programming for the person in charge of broadcast programming.

(4) A broadcasting business operator engaged in general programming or specialized programming of news reports shall, in order to guarantee an autonomy in the production of broadcast programs, institute a covenant on broadcast programming, reflecting the opinions of the persons engaged in data collection and production, and shall publicly announce it.

Article 5 (Public Responsibility of Broadcasting)

(1) A broadcast shall respect the dignity and value of human beings as well as the fundamental democratic order.

(2) A broadcast shall contribute to the unity of the people to a harmonious development of the State and a democratic formation of the public opinion, and shall not promote any discords among regions,

generations, classes and sexes.

(3) A broadcast shall not injure other's reputation or infringe on other's rights.

(4) A broadcast shall not promote crimes, immoral conducts or a speculative spirit.

(5) A broadcast shall not promote lewdness, decadence or violence which has a negative influence on a sound family life and on a guidance of children and juveniles.

Article 6 (Impartiality and Public Interest Nature of Broadcasting)

(1) A broadcast of news reports shall be impartial and objective.

(2) A broadcast shall not be discriminative in broadcast programming on account of sex, age, occupation, religion, belief, class, region, race, etc.: Provided, That this shall not apply in case where a broadcasting business operator engaged in a specialized programming with respect to a missionary work of religion within the limit of a relevant broadcast field.

(3) A broadcast shall respect the ethical and emotional sentiments of the people, and contribute to the safeguard of the fundamental rights of the people and the advancement of international friendship.

(4) A broadcast shall protect and extend the people's right to knowledge and freedom of expression.

(5) A broadcast shall strive to faithfully reflect the interests of the groups or classes that are relatively small in number or at a disadvantage in realization of the pursuit of their interests.

(6) A broadcast shall contribute to the balanced development of local communities and the promotion of national cultures.

(7) A broadcast shall extend its social education function, and diffuse and disseminate the useful living information, and contribute to the qualitative improvement of the people's cultural life.

(8) A broadcast shall contribute to the propagation of standard language, and endeavor to refine and purify the language.

(9) A broadcast shall, in publicly announcing the policies, etc. of the Government or a specific group, strive to provide an equal opportunity to other groups having different opinions, and also endeavor to maintain a balance in organizing the broadcast programs with respect to each party of political interests.

Article 7 (Scope of Application)

Matters concerning the broadcasting shall be governed by this Act unless as otherwise prescribed in other Acts.

CHAPTER II BROADCASTING BUSINESS OPERATORS, ETC.

Article 8 (Restriction, etc. on Ownership)

(1) Where a broadcasting business operator issues stocks, they shall be registered ones.

(2) No one may own in excess of 30/100 of the total stocks or equity shares of a terrestrial broadcasting business operator and a program providing business operator engaged in general programming or specialized programming of news reports, including the stocks or equity shares owned by the persons having a special relation determined by the Presidential Decree (hereinafter referred to as the "specially

related persons”): Provided, That this shall not apply to cases falling under any of the following subparagraphs: <Amended by Act No. 7213, Mar. 22, 2004; Act No. 8060, Oct. 27, 2006>

1. Where the State or a local government owns the stocks or equity shares of a broadcasting business operator;

2. Where the Foundation for Broadcast Culture established under the Foundation for Broadcast Culture Act owns the stocks or equity shares of a broadcasting business operator; and

3. Where any investment is made to a broadcasting business operator aiming at a missionary work of religion.

(3) Notwithstanding the provisions of paragraph (2), a company belonging to a business group that falls under the criteria prescribed by the Presidential Decree, including the gross amount of assets, among the business groups provided for in subparagraph 2 of Article 2 of the Monopoly Regulation and Fair Trade Act (hereinafter referred to as the “conglomerate”), and its affiliates (including specially related persons), or a corporation (including specially related persons) operating daily newspapers under the Registration, etc. of Periodicals Act or news correspondences under the provisions of the News Agency Development Act (hereinafter referred to as the “news correspondence”) shall not concurrently run a terrestrial broadcasting business and a program providing business engaged in general programming or specialized programming of news reports, or own the relevant stocks or equity shares. <Amended by Act No. 6803, Dec. 18, 2002; Act No. 6905, May 29, 2003; Act No. 7213, Mar. 22, 2004>

(4) Every corporation (including any person in a special relationship with such corporation) that publishes a daily newspaper or runs a news correspondence provided for in the Act on the Freedom of Newspapers, etc. and Guarantee of Their Functions shall be prohibited from holding shares and equities in excess of 33/100 of the total number of the shares and equities of any CATV broadcasting business operator and any satellite broadcasting business operator and every corporation (including any person in a special relationship with such corporation) that runs any conglomerate and its affiliates shall be prohibited from independently or jointly holding shares and equities in excess of 49/100 of the total number of the shares and equities of any satellite broadcasting business operator. <Amended by Act No. 8301, Jan. 26, 2007>

(5) A terrestrial broadcasting business operator, a CATV broadcasting business operator and a satellite broadcasting business operator shall not mutually and concurrently operate their business or own their stocks or equity shares in excess of the scope prescribed by the Presidential Decree in consideration of the market shares or the number of business operators, etc.: Provided, That a terrestrial broadcasting business operator and a CATV broadcasting business operator shall not mutually and concurrently operate the business or own their stocks or equity shares.

(6) A terrestrial broadcasting business operator, a CATV broadcasting business operator, a satellite broadcasting business operator, a program providing business operator and a signal transmission network business operator may not mutually and concurrently operate their business or own their stocks or equity

shares in excess of the scope prescribed by the Presidential Decree in consideration of the market shares, broad-casting fields, or the number of business operators, etc. <Amended by Act No. 8060, Oct. 27, 2006>

(7)A terrestrial broadcasting business operator, a CATV broadcasting business operator or a satellite broadcasting business operator shall not concurrently operate another terrestrial broadcasting business, CATV broadcasting business or satellite broadcasting business respectively, or own their relevant stocks or equity shares in excess of the scope prescribed by the Presidential Decree in consideration of the market shares or the number of business operators, etc.: Provided, That this shall not apply when a terrestrial broadcasting business operator, which the Foundation for Broadcast Culture Actor Broadcast Culture established under the Foundation for Broadcast Culture Act is the greatest amount investor, owns stocks or equity shares of another affiliated terrestrial broadcasting business operator, when this Act enters into force. <Amended by Act No. 7213, Mar. 22, 2004; Act No. 8568, Jul. 27, 2007>

(8)A program providing business operator shall not concurrently operate another program providing business or own its stocks or equity shares in excess of the scope determined by the Presidential Decree in consideration of the market share or the number of business operators, etc.

(9)Political parties shall not own the stocks or equity shares of a broad-casting business operator. <Amended by Act No. 7190, Mar. 12, 2004>

(10)Persons subject to the prohibition of concurrent operation and restriction on ownership under paragraphs (5) through (8) shall include their specially related persons.

(11)Persons who own the stocks or equity shares in violation of the provisions of paragraphs (2) through (9) shall not exercise their right to vote as to the portions so owned or the portions in excess.

(12)With respect to a person who concurrently operates a business or owns the stocks or equity shares in contravention of the provisions of paragraphs (2) through (9), the Korea Broadcasting Commission may order him to correct the relevant matters by fixing a period not exceeding six months. <Newly Inserted by Act No. 7213, Mar. 22, 2004>

(13) Any person falling under any of the following subparagraphs may not become a community radio broadcasting business operator: <Newly Inserted by Act No. 8060, Oct. 27, 2006>

- 1.The Government of the Republic of Korea;
- 2.Local governments;
- 3.Religious organizations;
- 4.Political parties; and
- 5.Persons who intend to operate a community radio broadcasting business for profit.

(14) Any community radio broadcasting business operator may not own broadcasting stations exceeding one. <Newly Inserted by Act No. 8060, Oct. 27, 2006>

Article 9 (Recommendation, License, Approval, Registration, etc.)

(1) A person who intends to operate a terrestrial broadcasting business or satellite broadcasting business

shall, upon receiving a recommendation of the Korea Broadcasting Commission, obtain a license of the Minister of Information and Communication for a broadcasting station as prescribed by the Radio Waves Act.

(2) A person who intends to operate a CATV broadcasting business or CATV relay broadcasting business shall, upon receiving a recommendation of the Korea Broadcasting Commission, obtain a license of the Minister of Information and Communication after installing the facilities and technologies satisfying the standards prescribed by the Presidential Decree.

(3) Notwithstanding the provisions of paragraph (2), where a CATV relay broadcasting business operator corresponding to the standard prescribed by the Presidential Decree intends to operate a CATV broadcasting business, he shall obtain approval of the Korea Broadcasting Commission. In this case, the Korea Broadcasting Commission shall consult with the Minister of Information and Communication.

(4) A person who has obtained approval under the provisions of paragraph (3) shall be considered to have received a license for CATV broadcasting business operator under subparagraph 3 (b) of Article 2.

(5) A person who intends to operate a program providing business, an electric sign board broadcasting business or a CATV music broadcasting business shall register with the Korea Broadcasting Commission: Provided, That a person who intends to operate a program providing business engaged in general programming or specialized programming of news reports or commodity presentation and sales shall obtain approval of the Korea Broadcasting Commission. In this case, a person who has registered or obtained approval in order to conduct data broadcasting shall report on value-added communication business under Article 21 of the Telecommunications Business Act within seven days from the date on which he registered or obtained the approval. <Amended by Act No. 7213, Mar. 22, 2004>

(6) A person who intends to operate a business of conducting satellite broadcasts utilizing wireless facilities of an artificial satellite of a foreign country (limited to those whose signals can be received within the Korean territory) shall obtain approval of the Korea Broadcasting Commission. In this case, the Korea Broadcasting Commission shall consult with the Minister of Information and Communication.

(7) Provisions applicable to a satellite broadcasting business operator under subparagraph 3 (c) of Article 2 shall apply mutatis mutandis to a person who has obtained approval under the provisions of paragraph (6).

(8) A person who intends to use the relevant channels under a contract for exclusive use of a specific channel for the whole or part of time of a wireless station of an artificial satellite of a foreign country (limited to those whose signals can be received within the Korean territory) shall obtain approval of the Korea Broadcasting Commission. In this case, the Korea Broadcasting Commission shall consult with the Minister of Information and Communication.

(9) Provisions applicable to a program providing business operator under subparagraph 3 (d) of Article 2 shall apply mutatis mutandis to a person who has obtained approval under the provisions of paragraph (8).

(10) A person who intends to operate a signal transmission network business shall register with the Minister of Information and Communication.

(11) A person who intends to operate a community radio broadcasting business shall receive the recommendation of the Korea Broadcasting Commission, and then obtain a license for broadcasting station from the Minister of Information and Communication under the conditions prescribed by the Radio Waves Act. In this case, detailed matters necessary for operation, such as programming and financial resources of the community radio broadcasting business operator, shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 8060, Oct. 27, 2006>

(12) Matters necessary for the procedures, etc. for the recommendation, license, approval and registration under paragraphs (1) through (11) shall be prescribed by the Presidential Decree. <Amended by Act No. 8060, Oct. 27, 2006; Act No. 8568, Jul. 27, 2007>

Article 9-2 (Program Providing Business Registration Requirements)

(1) Those who intend to register a program providing business under the main sentence of Article 9 (5) shall meet the following requirements:

1. Both paid-in capital and actual capital (referring to capital only for the said program providing business) shall each be not less than five hundred million won. In this case, the "capital" shall be deemed to be the "money invested" in the case of a corporation other than a stock company;

2. There shall be a main control studio (referring to a place in which broadcast programming and transmission are comprehensively controlled), an auxiliary control studio (referring to a place in which the production of individual broadcast programs is controlled), a general editorial studio (referring to a place in which individual broadcast programs are completed by editing the audio, video, sound, etc.) and a transmission facility;

3. There shall be an office in which the said program providing business is capable of being carried out; and

4. The same channel name used by any other broadcasting business operator or a channel name that may confuse viewers shall not be used.

(2) When a person concurrently operates several program providing businesses, matters necessary for the standards, etc. for the application of capital requirements under paragraph (1) shall be provided for by the Presidential Decree.

[This Article Newly Inserted by Act No. 8568, Jul. 27, 2007]

Article 10 (Criteria and Procedures for Evaluation)

(1) The Korean Broadcasting Commission shall, in case where it makes a recommendation under Article 9 (1) and (2) or grants authorization under paragraphs (3), (5), (6) and (8) of the same Article, evaluate the matters falling under any of the following subparagraphs and make a public announcement of its results:

1. Possibility of realizing a public responsibility, impartiality and public interest nature of broadcasting;

2. Pertinence of the planning, programming and production plans of broadcast programs;
3. Regional, social and cultural necessity and propriety;
4. Appropriateness of management plans such as the organization and manpower operation;
5. Financial and technical capability;
6. Support plans for the advancement of broadcasting; and
7. Other matters necessary for conducting the business.

(2) The Korean Broadcasting Commission shall, in case where it conducts an evaluation under paragraph (1), openly hear the opinions of the viewers, and make a public announcement on whether their opinions have been reflected.

(3) The Korean Broadcasting Commission shall, in case where it intends to make a recommendation of a person who intends to operate a CATV broadcasting business, hear the opinions of the Special Metropolitan City Mayor, Metropolitan City Mayor or Do governor (hereinafter referred to as "Mayor/Do governor").

Article 11 (Public Notification of Broadcast Fields, etc.)

The Korean Broadcasting Commission may, in order to have the specialty of broadcast programs and the variety of channels embodied, make a public notification of programming ratios, etc. according to the broadcast fields of specialized programming and the types of broadcast programs.

Article 12 (Regional Business Privilege)

(1) The Korean Broadcasting Commission may, in case where it makes a recommendation for a license for a CATV broadcasting business or a CATV relay broadcasting business under Article 9 (2), grant a privilege to operate the business within a specified broadcasting zone (hereinafter referred to as "regional business privilege"). The same shall apply when granting authorization for a CATV broadcasting business under the provisions of Article 9 (3).

(2) Broadcasting zones under paragraph (1) and business zones of CATV music broadcasting shall be publicly announced by the Korean Broadcasting Commission in consideration of the zone of community resident life, geographical conditions and telecommunication facilities with a focus on the administrative districts, under the consultation with the head of the relevant central administrative agencies and Mayors/Do governors.

(3) Deleted. <by Act No. 7498, May 18, 2005>

Article 13 (Disqualification)

(1) The State, a local government or a person who is not a corporation may not operate a broadcasting business or signal transmission network business. The same shall apply to a person for whom three years have not passed after his license, authorization or registration was revoked under the provisions of Article 18.

(2) A person falling under any of the following subparagraphs may not operate a CATV relay broadcasting business or a CATV music broadcasting business:

- 1.A foreigner or the government or an organization of a foreign country;
- 2.A minor or quasi-incompetent person;
- 3.A person who was declared bankrupt and has not been reinstated;
- 4.A person who was sentenced to the punishment heavier than a fine for violating this Act, and for whom three years have not passed since his sentence was completed or the non-execution of his sentence was confirmed, or a person who is in the period of suspended sentence; or
- 5.A person for whom two years have not passed since a license or registration for a CATV relay broadcasting business or CATV music broadcasting business was revoked under the provisions of Article 18.

(3) A person falling under any of the following subparagraphs may not become a representative or a person in charge of broadcast programming of a corporation which has obtained a license or authorization or has registered under the provisions of Article 9 (1), (2), (3), (5), (6), (8) and (10):
<Amended by Act No. 7655, Aug. 4, 2005>

- 1.A person whose nationality is not of the Republic of Korea;
- 2.A minor or quasi-incompetent person;
- 3.A person who was declared bankrupt and is not yet reinstated;
- 4.A person who was sentenced to the punishment heavier than a fine for violating this Act, and for whom three years have not passed since his sentence was completed or the non-execution of his sentence was confirmed, or a person who is in the period of suspended sentence;
- 5.A person who was sentenced to the punishment by an unsuspended sentence of imprisonment without forced labor or heavier for committing a crime under Articles 87 through 90, 92 and 101 of the Criminal Act, Articles 5 through 8, 9 (2), 11 through 16 of the Military Criminal Act, or Articles 3 through 9 of the National Security Act, and whose sentence is not completed or the non-execution of sentence is not confirmed, or a person who is in the period of suspended sentence;
- 6.A person for whom the security surveillance disposition under the Security Surveillance Act, the protective custody under the Social Protection Act, or the medical treatment and custody under the Medical Treatment and Custody Act is in the enforcement period; or
- 7.A representative of a corporation or an organization of a foreign country (excluding the cases of a signal transmission network business).

Article 14 (Investment and Contribution by Foreign Capital)

(1) A person operating a terrestrial broadcasting business, a program providing business engaged in general programming or specialized programming of news reports, and a CATV relay broadcasting business may not receive the investment or contribution of property from a person falling under any of the following subparagraphs: Provided, That in case where a broadcasting business operator and a CATV relay broadcasting business operator have obtained authorization of the Korean Broadcasting Commission, they may receive the property contribution from a foreign organization having the

objectives of education, athletics, religion, charity and other international friendship:

1. The government or an organization of a foreign country;

2. A foreigner; and

3. A corporation whose stocks or equity shares are owned by the government or an organization of a foreign country or a foreigner in excess of the ratio as prescribed by the Presidential Decree.

(2) A person operating a satellite broadcasting business may not receive an investment or a contribution of property from a person falling under any subparagraph of paragraph (1) in excess of 33/100 of the total stocks or equity shares of the relevant corporation. <Amended by Act No. 7213, Mar. 22, 2004>

(3) A person operating a CATV broadcasting business, a program providing business (excluding general programming or specialized programming of news reports) or a signal transmission network business may not receive an investment or a contribution of property from a person falling under any subparagraph of paragraph (1) in excess of 49/100 of the total stocks or equity shares of the relevant corporation. <Amended by Act No. 7213, Mar. 22, 2004>

(4) The stocks or equity shares owned by the person falling under any subparagraph of paragraph (1) shall be added up in applying the provisions of paragraphs (2) and (3). <Newly Inserted by Act No. 7213, Mar. 22, 2004>

(5) Where a broadcasting business operator, a CATV relay broadcasting business operator or a signal transmission network business operator violates the provisions of paragraphs (1) through (3), the owner of the stocks or equity shares who has provided the ground for such a violation may not exercise the voting rights with respect to the pertinent owned portion or excess portion. <Newly Inserted by Act No. 7213, Mar. 22, 2004>

(6) Where a broadcasting business operator, a CATV relay broadcasting business operator or a signal transmission network business operator violates the provisions of paragraphs (1) through (3), the Korea Broadcasting Commission may order the broadcasting business operator, the CATV relay broadcasting business operator, or the owner of the stocks or equity shares who has provided the ground for such a violation to correct the pertinent matters by fixing a period not exceeding six months, and the Minister of Information and Communication may order the signal transmission network business operator or the owner of the stocks or equity shares who has provided the ground for such a violation to correct the pertinent matters by fixing a period not exceeding six months. <Newly Inserted by Act No. 7213, Mar. 22, 2004>

Article 15 (License, etc. for Modification)

(1) In case where a broadcasting business operator, CATV relay broadcasting business operator, CATV music broadcasting business operator or an electric sign board broadcasting business operator intends to modify the matters falling under any of the following subparagraphs, he shall obtain a recommendation for modified license, modified license, or modified approval from, or register the modification with, the Korea Broadcasting

Commission or the Minister of Information and Communication. In this case, the provisions of Article 9 (1), (2), (3), (5), (6), (8) and (10) shall apply mutatis mutandis to such procedures: <Amended by Act No. 6803, Dec. 18, 2002>

1. Merger or division of the relevant corporation;
2. Conversion of the business run by an individual to the business of a corporation;
3. Deleted; <by Act No. 8060, Oct. 27, 2006>
4. Transfer of the business run by an individual;
5. A modification of broadcast fields;
6. A modification of the broadcasting zone; and
7. Other modifications of important facilities prescribed by the Presidential Decree.

(2) When any broadcasting business operator (excluding any program providing business operator) or any CATV relay broadcasting business operator alters the matters falling any of the following subparagraphs, he shall make a report without delay to the Korea Broadcasting Commission and the Minister of Information and Communication: <Amended by Act No. 6803, Dec. 18, 2002>

1. Representative;
2. Person in charge of broadcast programming (excluding any CATV relay broadcasting business operator);
3. Corporation name or firm name; and
4. Location of principal office.

(3) When any program providing business operator, any CATV music broadcasting business operator or any electric sign board broadcasting business operator alters the matters falling under any of the following subparagraphs, he shall make a report thereon without delay to the Korea Broadcasting Commission: <Amended by Act No. 6803, Dec. 18, 2002>

1. Representative;
2. Person in charge of broadcast programming (excluding any CATV relay broadcasting business operator);
3. Corporation name or firm name; and
4. Location of principal office.

Article 15-2 (Modified Approval for Greatest Amount Investor, etc.)

(1) A person who intends to be the greatest amount investor (referring to a person who has the most of the ratio of the voting stocks or equity shares by adding together the stocks or equity shares of the person himself who is the investor in the relevant business operator and of his specially related persons; hereinafter the same shall apply) of or to substantially control the management right of relevant business operator through an acquirement, etc. of the stocks or equity shares of a broadcasting business operator or a CATV relay broadcasting business operator shall obtain approval of the Korea Broadcasting Commission: Provided, That a person who intends to be the greatest amount investor in or to substantially

control the management right of a program providing business operator who is registered under the provisions of the main sentence of Article 9 (5) shall file a report with the Korea Broadcasting Commission.

(2) When the Korea Broadcasting Commission intends to grant its approval under the provisions of the main sentence of paragraph (1), it shall examine the matters of the following subparagraphs:

1. Possibility of realization of the public responsibility, impartiality and the nature of public interest of broadcasting;

2. Social confidence and financial capacity;

3. Protection of the right and interest of viewers; and

4. Other matters necessary for business performance.

(3) A person who has become the greatest amount investor or a person who has come to substantially control the management right without obtaining approval under the provisions of the main sentence of paragraph (1) may not exercise his voting rights with respect to the stocks or equity shares acquired without obtaining approval, and the Korea Broadcasting Commission may issue an order necessary for correction such as the disposition of the stocks or equity shares with respect to the person who has acquired the relevant stocks or equity shares by fixing a period not exceeding six months.

(4) Cases which may fall under a person who substantially controls the management right under paragraphs (1) and (3), and matters necessary for the procedures for approval, report, etc. shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 8060, Oct. 27, 2006]

Article 16 (Valid Term of License and Approval)

The valid term of the license or approval for a CATV broadcasting business and a CATV relay broadcasting business licensed under the provisions of Article 9 (2), a program providing business approved under the provisions of the proviso of Article 9 (5), and a community radio broadcasting business licensed under the Article 9 (11) shall be prescribed by the Presidential Decree within the extent not exceeding five years.

[This Article Wholly Amended by Act No. 8060, Oct. 27, 2006]

Article 17 (Renewed License, etc.)

(1) When a broadcasting business operator (excluding a program providing business operator) and a CATV relay broadcasting business operator intends to continue a broadcasting after expiration of the valid term for license, he shall obtain a renewed license from the Minister of Information and Communication after receiving a recommendation for the renewed license from the Korea Broadcasting Commission.

(2) When a program providing business operator who was granted approval under the proviso of Article 9 (5) intends to continue a broadcasting after expiration of the valid term of approval, he shall obtain a renewed approval of the Korea Broadcasting Commission.

(3) When the Korea Broadcasting Commission makes a recommendation for renewed license or grants renewed approval under the provisions of paragraphs (1) and (2), it shall evaluate the matters in each subparagraph of Article 10 (1) and each of the following subparagraphs, and publicly announce its result:

1. Evaluation of broadcast by the Korea Broadcasting Commission;
2. Frequency of correction orders by the Korean Broadcasting Commission and examples of noncompliances with the said orders;
3. Evaluation of broadcast programs by the Viewers Committee;
4. Level of contributions to the development of local community;
5. Whether the support plans are implemented for the development of broadcasting; and
6. Whether other matters for compliance by the broadcasting business operator at the time of license or approval are observed.

(4) The provisions of Article 10 (2) and (3) shall apply mutatis mutandis to the cases of recommendation for renewed license under paragraph (1) or of renewed approval under paragraph (2).

Article 18 (Revocation, etc. of License, Approval or Registration)

(1) When a broadcasting business operator, a CATV relay broadcasting business operator, a CATV music broadcasting business operator, an electric sign board broadcasting business operator, or a signal transmission network business operator falls under any of the following subparagraphs, the Minister of Information and Communication or the Korea Broadcasting Commission may each revoke the license, approval or registration, or order the suspension of all or part of the relevant business with fixing a period not exceeding six months: Provided, That this shall not apply to the cases where a person falling under any of subparagraphs of Article 13 (3) is the representative of corporation or the person in charge of broadcast programming, and where the relevant officers are replaced within three months: <Amended by Act No. 8568, Jul. 27, 2007>

1. Where a license, modified license or renewed license is received, or approval, modified approval or renewed approval is obtained, or a registration or modified registration is filed by falsity or other dishonest means;
2. Where the stocks or equity shares are owned in violation of the provisions of Article 8;
3. Where he falls under the disqualification as referred to in Article 13;
4. Where he receives the investment or contribution of property in violation of the provisions of Article 14;
5. Where he fails to commence the broadcast or business within two years since the date when he has received a license, obtained approval, or registered under this Act;
6. Where he fails to obtain a modification license or approval or to register the modification in violation of Article 15 (1);
7. Where he fails to comply with orders to modify terms and conditions of contracts under Article 77 (2);
8. Where he fails to comply with orders, etc. to repair, improve or relocate the relevant facilities under

Article 81;

9. Where he fails to comply with either corrective orders under Article 99 (1) or orders to improve the relevant facilities under paragraph (2) of that Article; or

10. Where he fails to comply with orders for disciplinary measures under Article 100 (1).

(2) The Minister of Information and Communication may, only if there exists a request by the Korea Broadcasting Commission, revoke the license or registration under paragraph (1), or order the suspension of all or part of the relevant business with fixing a period not exceeding six months.

(3) Matters necessary for the criteria and procedures, etc. for the approval, registration or revocation of a license and measures therefor, and the suspension of business under paragraph (1) shall be prescribed by the Presidential Decree. <Amended by Act No. 8568, Jul. 27, 2007>

Article 19 (Disposition of Penalty Surcharge)

(1) The Korea Broadcasting Commission or the Minister of Information and Communication may impose a penalty surcharge of one hundred million won or less in lieu of the disposition of business suspension, where a broadcasting business operator, a CATV relay broadcasting business operator, a CATV music broadcasting business operator, an electric sign board broadcasting business operator or a signal transmission network business operator becomes subject to the disposition of business suspension due to falling under any subparagraph of Article 18 (1), and where such business suspension is likely to cause a serious inconvenience to the viewers or to inflict harms to the public interests.

(2) through (4) Deleted. <by Act No. 8060, Oct. 27, 2006>

CHAPTER III KOREAN BROADCASTING COMMISSION

Article 20 (Establishment of Korea Broadcasting Commission)

The Korea Broadcasting Commission (hereafter referred to as the "Commission" in this Chapter) shall be established in order to realize the public responsibility, impartiality and public interest nature of broadcasting, and to devise the qualitative improvement of broadcast contents and a fair competition in the broadcasting industry.

Article 21 (Composition of Commission)

(1) The Commission shall be composed of nine members appointed by the President from among the persons of specialty and of typicality of the different field of society.

(2) In appointing the members of the Commission, the President shall appoint three persons who are recommended by the Speaker of the National Assembly after consulting with the assemblymen representing each negotiating party of the National Assembly, and three persons who are recommended by the Speaker of the National Assembly upon request for recommendation by the Culture and Tourism Committee of the National Assembly in consideration of their specialty related to broadcasting and typicality of the viewers.

(3) When the Speaker of the National Assembly makes a recommendation for the members of the Korea Broadcasting Commission under paragraph (2), he shall present the criteria and grounds for the relevant

recommendation.

(4) The Commission shall have one chairperson, one vice chairperson and three standing members, and the chairperson shall be elected by the Commission by mutual vote and appointed by the President, and the vice chairperson and the three standing members shall be elected by the Commission by mutual vote in consideration of their specialty: Provided, That two of the standing members shall be those who are recommended after consulting with the assemblymen representing the negotiating parties to which the President does not belong. <Amended by Act No. 6869, May 10, 2003>

Article 22 (Chairperson)

(1) The chairperson shall represent the Commission and exercise an overall control over the Commission's operation.

(2) When the chairperson is unable to carry out his duties due to unavoidable reasons, the vice chairperson shall act for the chairperson, and when both the chairperson and the vice chairperson are unable to carry out their duties, the standing members in the order of seniority shall act for the chairperson and the vice chairperson.

(3) The chairperson may appear before the National Assembly and make statements of his opinion concerning the affairs under his jurisdiction, and shall appear before the National Assembly and report or answer to it when requested by the National Assembly.

(4) The chairperson may appear and speak before the State Council, and may recommend to submit a bill concerning the affairs under his jurisdiction to the Prime Minister.

(5) The chairperson shall, in carrying out his duties related to the Commission's budget, be considered the head of a central government agency under Article 6 of the State Finance Act, and where the Minister of Planning and Budget reduces the requested amount of the Commission's budget, he shall hear the chairperson's opinions. <Amended by Act No. 8050, Oct. 4, 2006>

Article 23 (Term of Membership)

(1) The term of the office of members shall be three years, and they may be reappointed only once, and the term of the office of the chairperson, vice chairperson and standing members shall be same as those of members.

(2) If a vacancy occurs on the members, a relevant substitute member shall be appointed under Article 21 within thirty days since the occurrence of the vacancy, and the term of the substitute member shall be the remaining term of his predecessor.

(3) A member, including the chairperson, whose term of office expires shall carry out his duties until his successor is selected and appointed under Article 21.

Article 24 (Treatment of Members and Prohibition of Concurrent Office)

(1) Among the members, the chairperson, vice chairperson and standing members shall be a public official in political service, and the non-standing members shall be of honorary, but the actual expenses such as those for carrying out duties may be paid pursuant to the provisions of the regulations of the

Commission (hereinafter referred to as the “Commission’s regulations”).

(2)The chairperson, vice chairperson and standing members may not hold a concurrent office aiming at the profit-making except for the cases as prescribed by the Commission’s regulations.

Article 25 (Disqualification of Members)

Any person falling under any of the following subparagraphs may not become a member of the Commission:

1.A public official under Article 2 of the State Public Officials Act and Article 2 of the Local Public Officials Act (excluding an educational public official, a judicial officer and a person who becomes a public official in political service under this Act);

2.A member of a political party under the Political Parties Act;

3.A person engaged in a broadcasting business, a CATV relay broadcasting business, a CATV music broadcasting business, an electric sign board broadcasting business, or a signal transmission network business; or

4.A person falling under any of subparagraphs of Article 33 of the State Public Officials Act.

Article 26 (Functional Independence of and Status Guarantee for Commission Members)

(1) A member shall not be subject to any external direction or interference with his duties during the term of his office.

(2) A member shall not be dismissed from his office contrary to his intent except for the cases falling under any of the following subparagraphs:

1.Where he falls under the disqualification provisions of Article 25; or

2.Where he becomes unable to perform his duties due to a mental or physical disability for a long period.

Article 27 (Duties of Commission)

The Commission shall deliberate on and resolve the matters of the following subparagraphs: Provided, That the Commission shall, in case where it deliberates on and resolves the matters of subparagraph 1, agree with the Minister of Culture and Tourism on matters related to the broadcast and image policies, and hear the opinion of the Minister of Information and Communication on matters related to the broadcast technologies and facilities; in case where it deliberates on and resolves the matters of subparagraph 7, it shall hear the opinion of the Chairman of the Fair Trade Commission; and in case where it deliberates on and resolves the matters of subparagraph 12, it shall hear the opinion of the Minister of Unification: <Amended by Act No. 7498, May 18, 2005>

1.Matters concerning the basic plans for broadcasting;

2.Matters concerning the operation and programming of broadcasts and commercial broadcasts;

3.Matters concerning the recommendation for license, renewed license, and the authorization, registration, revocation, etc. of a broadcasting business operator, a CATV relay broadcasting business operator, a CATV music broadcasting business operator and an electric sign board broadcasting business operator;

4. Formulation, amendment and repeal of the Commission's regulations;
5. Matters concerning the research, survey and support for broadcasting;
6. Arbitration of a joint business or dispute among the broadcasting business operators, CATV relay broadcasting business operators, CATV music broadcasting business operators, and electric sign board broadcasting business operators;
7. Matters concerning the establishment of order for fair trade in the distribution of broadcast programs;
8. Matters concerning the settlement of viewers' complaints, and their petitions;
9. Matters concerning the basic plans for promotion, management and operation of the Broadcast Development Fund;
10. Matters concerning the disciplinary measures under Article 100;
11. Matters concerning the compilation and execution of a budget bill of the Commission;
12. Matters concerning inter-Korean exchanges and cooperation in broadcasting; and
13. Other matters prescribed as the duties or authorities of the Commission, pursuant to this Act or other Acts.

Article 28 (Commission Meeting)

- (1) Meetings of the Commission shall pass a resolution with the attendance of two thirds or more of the registered members and the approval of a majority of the attending members.
- (2) The representative of a broadcasting business operator, a CATV relay broadcasting business operator, a CATV music broadcasting business operator and an electric sign board broadcasting business operator, or a person with delegation of authority from such a person, may appear before the Commission and make a statement of his opinions.
- (3) Meetings of the Commission shall be open to the public: Provided, That this shall not apply in cases where the Commission recognizes a special necessity and passes a resolution thereof.
- (4) The Commission shall prepare the minutes under the conditions as determined by the Commission's regulations.

Article 29 (Prohibition of Participation)

A member shall not participate in the deliberation on and resolution of matters related to the interests of the principal or a person in a relationship of relatives with him under Article 777 of the Civil Act.

Article 30 (Standing Committee)

- (1) The Commission may establish a standing committee composed of the chairperson, vice chairperson and standing members in order to deliberate on and resolve the matters delegated by the Commission.
- (2) Matters necessary for the matters delegated by the Commission and for the meetings and duties of the standing committee shall be prescribed by the Commission's regulations.

Article 31 (Broadcast Evaluation Committee)

- (1) The Commission may comprehensively evaluate the contents, programming and operation, etc. of the broadcast programs of a broadcasting business operator.

(2) The Commission may establish a broadcast evaluation committee for an efficient performance of the evaluation duties under paragraph (1).

(3) Members of the broadcast evaluation committee shall be commissioned by the chairperson of the Commission upon consent of the Commission, and matters necessary for its composition and operation shall be determined by the Commission's regulations.

Article 32 (Deliberation on Impartiality and Public Nature of Broadcast)

(1) The Korea Broadcasting Commission shall deliberate on and pass a resolution as to whether the contents of a broadcast, a CATV relay broadcast and an electric sign board broadcast, or the contents of information similar to a broadcast and the information as prescribed by the Presidential Decree, from among the information circulated through telecommunication circuits aiming at opening to the public, maintain their impartiality and public nature, and as to whether they observe the public responsibilities, after they are broadcasted or circulated. In this case, the characteristics by medium and by channel shall be taken into consideration.

(2) Notwithstanding the provisions of paragraph (1), the Commission may deliberate on the contents of a commercial broadcast prescribed by the Presidential Decree before it is broadcast, and deliberate on and pass a resolution as to whether it may be broadcast. <Amended by Act No. 7213, Mar. 22, 2004>

(3) A broadcasting business operator shall not broadcast differently from the contents of the deliberation and resolution of the Commission with respect to the commercial broadcast under paragraph (2), or broadcast

a commercial broadcast which has not undergone a deliberation and resolution. <Newly Inserted by Act No. 7213, Mar. 22, 2004>

(4) No one shall make a broadcasting business operator broadcast differently from the contents of the deliberation and resolution of the Commission by means of false or other illegal methods with respect to a commercial broadcast under paragraph (2), nor make him broadcast a commercial broadcast which has not undergone a deliberation and resolution. <Newly Inserted by Act No. 7213, Mar. 22, 2004>

Article 33 (Deliberation Rules)

(1) In order to deliberate on the impartiality and public nature of broadcasts, the Commission shall formulate and publicly announce the rules concerning deliberation on broadcasts (hereinafter referred to as "deliberation rules").

(2) Deliberation rules under paragraph (1) shall contain the matters of the following subparagraphs: <Amended by Act No. 8060, Oct. 27, 2006>

1. Matters concerning the maintenance of the democratic fundamental order referred to in the Constitution, and a respect for human rights;

2. Matters concerning the protection of sound family lives;

3. Matters concerning the protection of children and juveniles and the sound character building;

4. Matters concerning the public morals and social ethics;

5. Matters concerning the equality of both sexes;
6. Matters concerning the advancement of international friendship;
7. Matters concerning the advancement of rights and interests of classes alienated by the broadcasting such as disabled persons;
8. Matters concerning the promotion of native culture and the cultivation of the subjectivity of the nation;
9. Matters concerning the impartiality and public nature of news reports or commentaries;
10. Matters concerning the purification of the language;
11. Matters concerning the corrective and disciplinary measures, and the procedures for reexamination under Articles 99 and 100; and
12. Other matters concerning the deliberation duties of the Commission under this Act.

(3) A broadcasting business operator shall classify and rate the broadcast programs in the light of such matters as the degree of harmfulness of a broadcast program's violent nature and lewdness, etc. and the age of the viewers, and indicate it during the broadcast.

(4) The Commission shall prescribe the rating criteria and other necessary matters with regard to classifying and rating a broadcast program under paragraph (3) by the Commission's regulations, and publicly announce

them. In this case, the rating criteria may be graded in consideration of the characteristics of the broadcast media and broadcast fields, etc.

(5) Where the Commission judges that the rating of any broadcast program which is autonomously assigned by a broadcasting business operator under paragraph (3) is not appropriate, it may require the relevant broadcasting business operator to adjust the rating classification of the pertinent broadcast program. <Newly Inserted by Act No. 8060, Oct. 27, 2006>

Article 34 (Deliberation Committee)

(1) The Commission may establish a deliberation committee for the efficient performance of the Commission's deliberation on impartiality and public nature of broadcasts.

(2) Members of the deliberation committee shall be commissioned by the chairperson of the Commission upon consent of the Commission, and matters necessary for the composition and operation of the deliberation committee shall be determined by the Commission's regulations.

Article 35 (Viewers' Complaint Settlement Committee)

(1) The Commission may establish a viewers' complaint settlement committee for the convergence of the viewers' opinions on broadcasts and the efficient deliberation on the settlement of viewers' complaints and petition matters.

(2) Members of the viewers' complaint settlement committee shall be commissioned by the chairperson of the Commission upon consent of the Commission.

(3) Matters necessary for the composition and operation of the viewers' complaint settlement committee, the procedures for settlement of the viewers' complaints, and the conciliation of disputes, etc. shall be

prescribed by the Commission's regulations.

Article 35-2 (Inter-Korean Exchanges and Cooperation in Broadcasting)

(1) The Government or the Commission shall work to facilitate inter-Korean exchanges and cooperation in broadcasting sector.

(2) The Inter-Korean Broadcasting Exchange and Cooperation Facilitation Committee mandated to facilitate inter-Korean exchanges and cooperation in broadcasting shall be set up in the Commission.

(3) Necessary matters concerning the composition and operation of the Inter-Korean Broadcasting Exchange and Cooperation Facilitation Committee referred to in paragraph (2) shall be prescribed by the Commission's regulations.

[This Article Newly Inserted by Act No. 7498, May 18, 2005]

Article 35-3 (Broadcasting Dispute Conciliation Committee)

(1) The Commission may have the Broadcasting Dispute Conciliation Committee under its control in order to efficiently mediate disputes with regard to broadcasting arising between and among the broadcasting business operators, CATV relay broadcasting business operators, CATV music broadcasting business operators, electric signboard broadcasting business operators and signal transmission network business operators.

(2) The members of the Broadcasting Dispute Conciliation Committee shall be commissioned by the chairperson of the Commission upon consent of the Commission.

(3) The conciliation of any dispute shall commence by an application of one party or both parties who are the party or parties to the dispute, and the establishment of conciliation shall have the same effect as a composition in court.

(4) Necessary matters for the organization and operation of the Broadcasting Dispute Conciliation Committee, the conciliation of disputes, etc. shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 8060, Oct. 27, 2006]

Article 36 (Establishment of Broadcast Development Fund)

The Commission shall establish the Broadcast Development Fund (hereinafter referred to as the "Fund") for the broadcasting promotion projects and the culture and arts promotion projects.

Article 37 (Creation of Fund)

(1) The Fund shall be created by the revenue sources of the following subparagraphs: <Amended by Act No. 7498, May 18, 2005>

1. Amounts collected under paragraphs (2) through (4);

2. Deleted; <by Act No. 7498, May 18, 2005>

3. Contributions by broadcasting business operators;

4. Deleted; and <by Act No. 8060, Oct. 27, 2006>

5. Other revenues.

(2) The Commission may collect the Fund from terrestrial broadcasting business operators within the

limit of 6/100 of the commercial broadcast turnover under the conditions as prescribed by the Presidential Decree.

(3) The Commission may collect the Fund from CATV broadcasting business operators and satellite broadcasting business operators within the limit of 6/100 of their annual turnover under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 7498, May 18, 2005>

(4) The Commission may collect the Fund from the program providing business operators engaged in a specialized programming of commodity presentation and sales within the limit of 15/100 of the trading profits upon a settlement of accounts for the current year under the conditions as prescribed by the Presidential Decree.

(5) With respect to the revenue sources of paragraph (1) 1 and 2, their collection rate may be fixed at graduated levels by broadcasting business operators on the basis of the public nature and profitability of the broadcasting operations of broadcasting business operators.

(6) The Commission may entrust the Fund collection under paragraph (2) to the Korean Broadcasting Advertising Corporation under the Korea Broadcasting Advertising Corporation Act (hereinafter referred to as the "Korean Broadcasting Advertising Corporation"), or to a commercial broadcast marketing agency prescribed by the Presidential Decree.

(7) Where a person obligated to pay the Fund under paragraphs (2) through (4) has failed to pay it within the payment deadline, the Commission may impose an additional amount within the scope of 5/100 of the amount in arrears under the conditions prescribed by the Presidential Decree. <Newly Inserted by Act No. 7213, Mar. 22, 2004>

(8) Where a person obligated to pay the Fund under the provisions of paragraphs (2) through (4) and the additional amount under paragraph (7) has failed to pay them by the payment deadline, the Commission shall collect them in accordance with the examples of the disposition for national taxes in arrears. <Newly Inserted by Act No. 7213, Mar. 22, 2004>

Article 38 (Expenditures of Fund)

(1) The Fund shall be used for a project falling under any of the following subparagraphs: <Amended by Act No. 7498, May 18, 2005; Act No. 8060, Oct. 27, 2006>

1. Educational broadcasts and other broadcasts operated for a public purposes;
2. Incorporation of a broadcasting business operator for public purposes, and production of broadcast programs;
3. Support for production of broadcast programs and video products;
4. Broadcast programs produced directly by viewers;
5. Media education and activities of viewer organizations;
6. Support for organizations and projects for development of commercial broadcasts;
7. Research and development of broadcast technologies;
8. Support for access to broadcasting by classes alienated by broadcasting such as disabled persons;

- 9. Projects for promotion of culture and arts;
- 10. Projects for public interest of the press;
- 11. Support for inter-Korean broadcasting exchanges and cooperation and the production of inter-Korean broadcast programs;
- 11-2. Support for overseas Korean broadcasting in overseas area; and
- 12. Other projects resolved by the Commission as necessary for enhancing the public nature of broadcasts and development of broadcasting.

(2) The chairperson may use part of the Fund as a loan or a financial resource for investment for the improvement of public nature and public interest nature of broadcasting, the promotion of broadcasting, and the welfare of viewers. <Newly Inserted by Act No. 8060, Oct. 27, 2006>

Article 39 (Management and Operation of Fund)

- (1) The Fund shall be managed and operated by the Commission.
- (2) The Broadcast Development Fund Management Committee shall be established for the fair and efficient management and operation of the Fund.
- (3) Up to ten members of the Broadcast Development Fund Management Committee shall be commissioned by the chairperson of the Commission upon consent of the Commission: Provided, That the Broadcast Development Fund Management Committee shall include not less than 20/100 of the persons who are recommended by the Minister of Culture and Tourism.
- (4) Matters necessary for the composition and operation of the Broadcast Development Fund Management Committee shall be prescribed by the Commission's regulations.

Article 40 (Entrustment of Fund Management)

The Commission may entrust the management of the Fund to the Korean Broadcasting Corporation under the conditions as prescribed by the Presidential Decree.

Article 41 (Commission Secretariat)

- (1) The Commission shall have a secretariat for conducting the affairs of the Commission.
- (2) The secretariat shall have one secretary general and required personnel, and they shall be appointed by the chairperson of the Commission. In this case, when appointing the secretary general, consent of the Commission shall be obtained.
- (3) Matters necessary for the organization of the secretariat shall be prescribed by the Presidential Decree, and matters necessary for its operation shall be determined by the Commission's regulations.

Article 42 (Formulation and Amendment of Commission Regulations)

In case where the Commission intends to formulate or amend the Commission's regulations, it shall go through an advance notice for not less than twenty days and a resolution by the Commission. In this case, the Commission shall print and publicly announce it on the Official Gazette.

CHAPTER III - REGIONAL BROADCASTING DEVELOPMENT COMMITTEE

Article 42-2 (Establishment of Regional Broadcasting Development Committee)

The Regional Broadcasting Development Committee shall be set up under the Korea Broadcasting Commission with the aim of developing the regional broadcasting, strengthening the competitiveness of the contents of the regional broadcasting and improving its distribution structure.

[This Article Newly Inserted by Act No. 8301, Jan. 26, 2007]

Article 42-3 (Composition, etc. of Regional Broadcasting Development Committee)

(1) The Regional Broadcasting Development Committee shall be composed of 5 members including one chairman.

(2) The chairman shall be the vice chairman of the Korea Broadcasting Commission.

(3) The members shall be commissioned by the chairman of the Korea Broadcasting Commission from among the persons of expertise, high moral repute and experience in the development of regional communities and broadcasting and one member from among its members shall be a standing member of the Korea Broadcasting Commission and the remaining 3 members shall be each recommended by organizations that are recognized by the chairman of the Korean Broadcasting Commission as being able to represent the regional broadcasting.

(4) The terms of office for the members shall be 3 years and may be recommissioned.

(5) When any member is vacated, his vacancy shall be filled by commissioning any other person pursuant to the provisions of paragraph (3) within 30 days from the date on which he is vacated. In this case, the term of office for the latter shall be the remainder of the term of office for his predecessor.

(6) Other necessary matters concerning the scope of the regional broadcasting and the operation, etc. of the Regional Broadcasting Development Committee shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 8301, Jan. 26, 2007]

Article 42-4 (Work of Regional Broadcasting Development Committee)

The Regional Broadcasting Development Committee shall perform the work falling under each of the following subparagraphs:

1. The deliberation on the policy steps for supporting the regional broadcasting development plan and the regional broadcasting;

2. The assessment of major policy steps for building a nationwide distribution infrastructure of the regional broadcasting;

3. The assessment of major policy steps for supporting the development of the regional broadcasting;

4. The education and research aimed at developing the regional broadcasting; and

5. Other matters that are put by the chairman of the Korean Broadcasting Commission on its agenda or are necessary for the Regional Broadcasting Development Committee to attain its purposes.

[This Article Newly Inserted by Act No. 8301, Jan. 26, 2007]

CHAPTER IV KOREA BROADCASTING SYSTEM

Article 43 (Establishment, etc.)

- (1)The Korea Broadcasting System (hereafter referred to as the “System” in this Chapter) shall be established as the State’s key broadcasting in order to fix a fair and sound broadcast culture, and to efficiently implement the broadcasts for home and abroad.
- (2)The System shall be a juristic person.
- (3)The location of the System’s principal office shall be prescribed by the articles of incorporation.
- (4)The System may, in case where deemed necessary for carrying out its business, establish the regional broadcasting stations upon passage of a resolution by the board of directors.
- (5)The System shall have a capital of three hundred billion won, and its entire amount shall be contributed by the Government.
- (6)The time and method of payment of the capital under paragraph (5) shall be in accordance with a decision by the Minister of Planning and Budget.
- (7)The System shall come into existence by effecting the registration of incorporation at the location of its principal office.
- (8)The registration of incorporation under paragraph (7), a registration of establishment of a regional broadcasting station, a registration of moving, a registration of modification, and other matters necessary for a registration of the System shall be prescribed by the Presidential Decree.

Article 44 (Public Responsibility of System)

- (1)The System shall bring into reality the objectives and public responsibility of broadcasting, and the impartiality and public interest nature of broadcasting.
- (2)The System shall endeavor to offer the broadcasting services of superior quality to the people having no concern with the region and circumstances.
- (3)The System shall research and develop the new broadcast programs, broadcasting services and broadcast technologies which may contribute to the public interest of the viewers.
- (4)The System shall develop the broadcast programs, and broadcast them, which may promote the national culture and ensure a homogeneity of the nation, with the objects home and abroad.

Article 45 (Matters Stated in Articles of Incorporation)

(1)Matters of the following subparagraphs shall be stated in the articles of incorporation of the System:

- 1.Objectives;
- 2.Title;
- 3.Location of the principal office;
- 4.Matters concerning the organization of the System, and the chairperson of the board of directors, directors, executive organs and personnel;
- 5.Matters concerning the operation of the board of directors;
- 6.Matters concerning its duties and their execution;
- 7.Matters concerning the settlement of viewers’ complaints and the protection of viewers;

8. Matters concerning a modification of the articles of incorporation;
9. Matters concerning the issue of bonds and the borrowing of funds;
10. Matters concerning the stocks or investment certificates;
11. Matters concerning the accounting such as disposition of profits and losses;
12. Matters concerning the method of public notification; and
13. Other matters as prescribed by the Presidential Decree.

(2) When the System intends to modify the articles of incorporation, it shall obtain authorization of the Korea Broadcasting Commission.

Article 46 (Establishment and Operation of Board of Directors)

(1) In order to guarantee the independence and public nature of the System, the System shall have a board of directors as the highest deliberative organ for decision making with regard to the management of the System.

(2) The board of directors shall be composed of eleven directors, including the chairperson of the board of directors.

(3) The directors shall be recommended by the Korea Broadcasting Commission in consideration of their typicality of different fields, and appointed by the President.

(4) The chairperson of the board of directors shall be elected by the board of directors by mutual vote.

(5) The directors, including the chairperson of the board of directors, shall be non-permanent.

(6) The chairperson of the board of directors shall convene the board of directors, and preside over its meeting.

(7) The board of directors shall resolve by approval of a majority of the registered directors.

(8) When the chairperson of the board of directors is unable to carry out his duties due to unavoidable reasons, another director shall act for him under the conditions as prescribed by the articles of incorporation.

Article 47 (Term of Directorship)

(1) The term of the office of a director shall be three years.

(2) If a vacancy occurs on the board, a substitute director shall be appointed under the provisions of Article 46 within thirty days since the occurrence of the vacancy, and the term of the substitute director shall be the remaining term of his predecessor.

(3) A director whose term expires shall carry out his duties until his successor is appointed.

Article 48 (Disqualification of Director)

A person falling under any of the following subparagraphs may not become a director of the System:

1. A person whose nationality is not of the Republic of Korea;
2. A member of a political party under the Political Parties Act; and
3. A person falling under any of subparagraphs of Article 33 of the State Public Officials Act.

Article 49 (Functions of Board of Directors)

(1)The board of directors shall deliberate on and resolve the matters falling under any of the following subparagraphs:

- 1.Matters concerning the public responsibility of the broadcasts conducted by the System;
- 2.Basic operational plans for the broadcasts conducted by the System;
- 3.Plans for budget and funds;
- 4.Use of reserve funds and a carrying forward of the budget;
- 5.Settlement of accounts;
- 6.Evaluation of management of the System, and its public announcement;
- 7.Proposal for the appointment of the president and auditor, and approval of the appointment of the vice president;
- 8.Establishment and closure of the regional broadcasting stations;
- 9.Acquisition and disposition of the permanent properties;
- 10.Borrowing of long term loans, and issuing of bonds and the plans for redemption;
- 11.Disposition of the profits and losses;
- 12.Contributions to other enterprises;
- 13.Modification of the articles of incorporations;
- 14.Formulation, amendment and abolition of the regulations as prescribed by the articles of incorporation; and
- 15.Other matters deemed as especially necessary by the board of directors.

(2)The board of directors may, in case where deemed as especially necessary, request the auditor to make an audit of the System.

Article 50 (Executive Organs)

(1)The System shall have, as its executive organ, one president, less than two vice presidents, less than eight managing directors, and one auditor.

(2)The president shall be appointed by the President upon a proposal by the board of directors.

(3)When the board of directors makes a proposal for the president under the provisions of paragraph (2), it shall present the criteria for proposal and the grounds for it.

(4)The auditor shall be appointed by the Korean Broadcasting Commission upon a proposal by the board of directors.

(5)The vice presidents and managing directors shall be appointed by the president: Provided, That approval of the board of directors shall be obtained in the case of the appointment of vice presidents.

(6)Provisions of Articles 47 and 48 concerning the directors shall apply mutatis mutandis to the term of office and the disqualification of executive organs.

Article 51 (Duties, etc. of Executive Organs)

(1)The president shall represent the System, exercise the overall control over the operation of the System, and assume the responsibility for the results of business management.

(2)When the president is unable to carry out his duties due to unavoidable reasons, a vice president shall act for him, and when the vice presidents are unable to carry out their duties due to unavoidable reasons, the person as prescribed by the articles of incorporation shall act for them.

(3)The president may, under the conditions as prescribed by the articles of incorporation, select and appoint, from among its personnel, an agent who has the authority to take all judicial or extra-judicial actions with regard to the System's business.

(4)The auditor shall audit the matters concerning the business and accounts of the System.

(5)The president and the auditor may appear before the board of directors, and make a statement of their opinions.

Article 52 (Appointment and Dismissal of Personnel)

The personnel of the System shall be appointed or dismissed by the president under the conditions as prescribed by the articles of incorporation.

Article 53 (Liability as Matter of Duties of Directors and Executive Organs and Personnel)

(1)The directors and the executive organs of the System shall be prohibited from performing any transaction with the System and the directors shall also be prohibited from being involved in any deliberation and any resolution of the matters of the board of directors, which are related to their own interests and the interests of persons with whom they have kinship relations provided for in the provisions of Article 777 of the Civil Act. <Newly Inserted by Act No. 8301, Jan. 26, 2007>

(2)The executive organs and personnel of the System may not engage in the duties aiming at profit-making in addition to their duties.

(3)The executive organs, personnel or the persons once engaged in the relevant duties shall not divulge or make fraudulent use of any secrets of the System which have come to their knowledge as a matter of duties.

Article 54 (Operations)

(1)The System shall attend to the business falling under any of the following subparagraphs:

- 1.Execution of radio broadcasts;
- 2.Execution of television broadcasts;
- 3.Execution of broadcasts through new broadcasting media such as a satellite broadcast;
- 4.Installation, operation and management of broadcasting facilities;
- 5.Execution of the overseas broadcasts required by the State (broadcasts aiming at the international friendship and the improvement of international understanding and the cultural and economic exchanges) and of the social education broadcasts (broadcasts aiming at the advancement of national homogeneity for the Korean residents in foreign countries);
- 6.Support for the transmission of broadcasts conducted by the Educational Broadcasting System under the Educational Broadcasting System Act;
- 7.Establishment and operation of an organization for the settlement of viewers' complaints and the

protection of viewers;

8.Operation and management of the organizations attached to the System;

9.Implementation of the cultural broadcast events, and the international exchange of cultural broadcasts;

10.Survey, research and development concerning the broadcasting; and

11.Profit-making projects incidental to the affairs under subparagraphs 1 through 10.

(2)The State may support the affairs falling under paragraph (1) 5 with subsidies.

(3)The System may, upon the passage of a resolution by the board of directors, contribute all or part of the relevant capital for the affairs falling under each subparagraph of paragraph (1), or for a corporation attending to the affairs similar to them.

Article 55 (Settlement of Accounts)

(1)The System's fiscal year shall be in accordance with the Government's fiscal year.

(2)Corporate accounting standards and the Enterprise Budget and Accounts Act shall apply mutatis mutandis to the standards and procedures, etc. for the settlement of accounts of the System.

Article 56 (Revenue Sources)

Expenses of the System shall be met by the television broadcast receiving fees under Article 64, but the revenues as prescribed by the Presidential Decree such as the revenues from the commercial broadcasts may be appropriated if necessary for the proper accomplishment of the objective affairs.

Article 57 (Compilation of Budget)

(1)The System's budget shall be compiled by the president and confirmed by the passage of a resolution at the board of directors. The same shall apply to the cases where the budget is modified due to a modification in the operational plans occurring after the budget is confirmed or other unavoidable reasons.

(2)The president of the System may administer the budget in accordance with the preceding year's budget in case where the budget is not confirmed not later than the commencement of fiscal year due to force majeure or other unavoidable reasons. In this case, the budget executed in accordance with the quasi-budget shall be considered to have been executed in accordance with the budget of current year.

Article 58 (Formulation of Operational Plans)

(1) The president of the System shall, in case where the budget is confirmed under Article 57, formulate without delay the operational plans in accordance with the budget of current year upon the passage of a resolution by the board of directors.

(2) The president of the System shall submit the operational plans for current year formulated under the provisions of paragraph (1) to the Korea Broadcasting Commission within two months after the budget is confirmed.

Article 59 (Confirmation of Statement of Accounts)

(1) The president of the System shall submit the statement of accounts for the preceding fiscal year respectively to the Korea Broadcasting Commission and the National Assembly not later than two

months after the conclusion of each fiscal year, and confirm the settlement of accounts upon approval by the National Assembly, and make a public announcement thereof.

(2) The statement of accounts under paragraph (1) shall be accompanied by the documents falling under any of the following subparagraphs:

1. Financial statements and their attached documents; and
2. Other documents necessary for clarifying the content of the settlement of accounts.

(3) The Korea Broadcasting Commission shall sum up the System's settlement of accounts confirmed under the provisions of paragraph (1), and submit it to the Board of Audit and Inspection by June 30.

(4) The Board of Audit and Inspection shall inspect the statement of accounts received under the provisions of paragraph (3), and forward the relevant results to the Korea Broadcasting Commission not later than September 30.

Article 60 (Report of Acquisition, etc. of Real Estate)

The System shall, in case where it acquires or disposes of any real estate, or modifies the purpose at the time of its acquisition, report to the Korea Broadcasting Commission thereon without delay.

Article 61 (Subsidies, etc.)

The State may subsidize part of the expenses required for the operation of the System, loan the financial funds, or accept the debentures of the System within the limit of the budget, under the conditions as prescribed by the Presidential Decree.

Article 62 (Entrustment of Goods Purchase and Construction Contracts)

The president of the System may, in case where deemed necessary, entrust the Commissioner of the Supply Administration with the purchase of required materials or the conclusion of contracts for a construction of facilities.

Article 63 (Audit)

- (1) Audits of the System shall be classified as internal audits and external audits.
- (2) The auditor of the System shall conduct the internal audits pursuant to the provisions of the articles of incorporation.
- (3) The Board of Audit and Inspection shall conduct the external audits of the System under the conditions as determined by the Board of Audit and Inspection Act.

Article 64 (Registration of Television Receivers and Payment of Receiving Fees)

Any person who possesses a television receiver (hereinafter referred to as "TV set") in order to receive television broadcasts shall register the TV set with the System, and pay a television broadcast receiving fee (hereinafter referred to as the "receiving fees") under the conditions as prescribed by the Presidential Decree: Provided, That with regard to the TV sets as prescribed by the Presidential Decree, their registration may be exempted, or all or part of the receiving fees may be exempted or reduced.

Article 65 (Determination of Receiving Fees)

The amount of receiving fees shall be fixed after a deliberation on it and the passage of resolution by the

board of directors, and obtaining approval of the National Assembly via the Korea Broadcasting Commission, and the System shall impose and collect them.

Article 66 (Collection of Receiving Fees, etc.)

(1) The System shall, in collecting the receiving fees under the provisions of Article 65, and in case where a person liable to pay the receiving fees fails to pay them within the relevant payment period, collect an additional charge in the amount equivalent to the rate as prescribed by the Presidential Decree within the limit of 5/100 of the relevant receiving fees.

(2) The System may impose and collect from any possessor of a TV set which is not registered under Article 64 a punitive surcharge equivalent to the receiving fees for one year.

(3) The System may, in collecting the receiving fees under Article 65, and the additional charge or the punitive surcharge under paragraphs (1) and (2), and in case where there exists any delinquency of payment, collect them in accordance with the examples of disposition on the national tax in arrears by obtaining approval of the Korea Broadcasting Commission.

Article 67 (Entrustment of Registration of TV Sets and Collection)

(1) The System may entrust the Mayors/Do governors with the affairs of collecting the receiving fees under Article 66.

(2) The System may entrust the affairs of registering TV sets and of collecting the receiving fees to the manufacturer, distributor, importer-distributor of TV sets, or other persons designated by the System.

(3) In case where the System entrusts the affairs of collecting the receiving fees under the provisions of paragraphs (1) and (2), it shall pay the fees under the conditions as prescribed by the Presidential Decree.

Article 68 (Use of Receiving Fees)

The System may use the receiving fees collected under the provisions of Articles 65 and 66 for the support as a revenue source to the Educational Broadcasting System under the Educational Broadcasting System Act under the conditions as prescribed by the Presidential Decree.

CHAPTER V OPERATION, ETC. OF BROADCASTING BUSINESS

Article 69 (Programming, etc. of Broadcast Programs)

(1) A broadcasting business operator shall, in programming the broadcast programs, have them be compatible with impartiality, public service, variety, balance, factuality, etc.

(2) A broadcasting business operator engaged in general programming shall ensure a well-balanced presentation of subject matters of each field such as politics, economy, society, culture, etc.

(3) A broadcasting business operator engaged in general programming shall, in programming the broadcast programs, include the broadcast programs of news reports, culture and entertainment under the standards as prescribed by the Presidential Decree, and program the broadcast programs so as to allow them to be mutually in harmony. In this case, there shall be no preponderancy of the broadcast programs in a specified broadcast field during the prime time zone as prescribed by the Presidential Decree

(hereinafter referred to as the “prime time zone”).

(4) A broadcasting business operator engaged in the specialized programming shall program the broadcast programs according to the standards prescribed by the Presidential Decree, so as to ensure the sufficient reflection of the principal broadcast fields, for which a license has been received, approval obtained, or registration filed.

(5) The scope and sorts of broadcast programs, which a broadcasting business operator engaged in specialized programming may program incidentally other than in the main broadcast field for which he has obtained license or approval, or has registered, shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 8060, Oct. 27, 2006>

(6) A terrestrial broadcasting business operator, who is not the Korea Broadcasting System, a broadcasting business operator under the Special Act, a broadcasting business operator financed by the Foundation for Broadcast Culture under the Foundation for Broadcast Culture Act, or a broadcasting business operator financed by the relevant broadcasting business operator, shall not program the production of another broadcasting business operator in excess of the ratio prescribed by the Presidential Decree.

(7) The Korea Broadcasting System shall program viewer participation programs directly produced by viewers under the conditions as prescribed by the Presidential Decree.

(8) Every broadcasting business operator shall endeavor to assist a viewing by disabled persons under the conditions as prescribed by the Presidential Decree, and the Korea Broadcasting Commission may, if deemed necessary, support part of the relevant expenses from the Fund. <Amended by Act No. 6803, Dec. 18, 2002>

(9) Every community radio broadcasting business operator shall design audience participation programs at the rate not less than that prescribed by the Presidential Decree within the scope of 50/100 of the total monthly broadcasting hours. <Newly Inserted by Act No. 8060, Oct. 27, 2006>

Article 70 (Construction and Operation of Channels)

(1) A terrestrial broadcasting business operator, a CATV broadcasting business operator, and a satellite broadcasting business operator conducting digital multimedia broadcasting shall construct and operate the channels so as not to preponderate to a particular broadcast field but to realize variety under the conditions prescribed by the Presidential Decree. <Amended by Act No. 7213, Mar. 22, 2004>

(2) A terrestrial broadcasting business operator, a CATV broadcasting business operator, and a satellite broadcasting business operator conducting digital multimedia broadcasting may not directly use the broadcasting channels, or lease the channels to the specially related persons of the relevant broadcasting business operators or to specific program providing business operators, in excess of the scope prescribed by the Presidential Decree. <Amended by Act No. 7213, Mar. 22, 2004>

(3) A CATV broadcasting business operator and a satellite broadcasting business operator (excluding a satellite broadcasting business operator conducting digital multimedia broadcasting) shall install the

channels which may be used by the State for public purposes (hereinafter referred to as the “public channels”) and the channels having a purpose of missionary work for religion, under the conditions prescribed by the Presidential Decree. <Amended by Act No. 7213, Mar. 22, 2004>

(4)A CATV broadcasting business operator shall operate the local channels which produce, program and transmit the local information, a broadcast program guide and the official announcement items, etc. under the conditions as prescribed by the Presidential Decree.

(5)A CATV relay broadcasting business operator may operate the official announcement channels which produce, program and transmit a broadcast program guide and the official announcement items, etc. pursuant to the provisions of the Commission’s regulations: Provided, That in the case of official announcement channels, the matters concerning news reports, commentaries or advertisements shall not be transmitted.

(6)The scope of channels that can be operated by CATV relay broadcasting business operators shall be limited to the channels that are used to relay the broadcasting falling under each of the following subparagraphs (including any audio and video tape recording that do not result in changing the broadcasting programming): Provided, That the number of total operational channels shall not exceed 31 channels and the audio and video tape recording channels shall not exceed 1/5 of the total operational channels: <Amended by Act No. 8301, Jan. 26, 2007>

1.The terrestrial broadcasting (limited to television broadcasting);

2.The satellite broadcasting that is aired by the System and the Korea Educational Broadcasting System provided for in the Korea Educational Broadcasting System Act;

3.The broadcasting that is aired in use of public channels;

4.The broadcasting that is aired in use of public-interest channels provided for in the provisions of paragraph (8);

5.The broadcasting that is aired in use of channels that are operated for the purpose of missionary purposes of religions; and

6.The broadcasting that is aired by State organs, public corporations or non-profit corporations in use of the channels that are published by the Korea Broadcasting Commission taking into account the public interest and social needs of the broadcasting field.

«The amended provisions of this paragraph shall lose its validity on and after July 1, 2010, pursuant to paragraph (2) of the Addenda of Act No. 8301, January 26, 2007»

(7)A CATV broadcasting business operator and a satellite broadcasting business operator shall, in case where the viewers request the broadcast of a program directly produced by them pursuant to the provisions of the Commission’s regulations, broadcast it via a regional channel or a public channel unless there is any special reason.

(8)Every CATV broadcasting business operator and every satellite broadcasting business operator (excluding any satellite broadcasting business operator who airs the digital multimedia broadcasting)

shall operate the channels that belong to the broadcasting fields that are published by the Korea Broadcasting Commission taking into account the public interest and social needs of the relevant broadcasting area (hereinafter referred to as the “public-interest channels”). In this case, procedures and standards for selecting the public-interest channels, the scope of their operations and other necessary matters shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 8301, Jan. 26, 2007>

Article 71 (Programming of Domestic Broadcast Programs)

(1) A broadcasting business operator shall program, among the total programs of the relevant channel, the home-made broadcast programs not less than the specified ratio, under the conditions as prescribed by the Presidential Decree.

(2) A broadcasting business operator shall program, among the motion pictures, animations and popular music, which are broadcast annually, the motion pictures, animations and popular music which are produced in the country in more than the specified ratio under the conditions prescribed by the Presidential Decree: Provided, That a terrestrial broadcasting business operator shall newly program the animations which are produced in the country, among the whole programs broadcast annually at the relevant channel, in more than the specified ratio under the conditions prescribed by the Presidential Decree. <Amended by Act No. 7213, Mar. 22, 2004>

(3) A broadcasting business operator shall, in order to secure a variety in the reception of international cultures, program the motion pictures, animations and popular music produced in one country in such a way as to keep them from exceeding a specified ratio, from among the motion pictures, animations and popular music imported from foreign countries, under the conditions as prescribed by the Presidential Decree.

(4) The programming ratio under paragraphs (1) through (3) may be set at graduated levels in consideration of the characteristics, etc. by broadcast media and by broadcast fields.

Article 72 (Programming of Externally Produced Broadcast Programs)

(1) A broadcasting business operator shall, among the entire broadcast programs of the relevant channels, program the broadcast programs produced domestically by persons other than the said operator (hereinafter referred to as the “externally produced broadcast programs”) in excess of a specified ratio, under the conditions as prescribed by the Presidential Decree.

(2) In programming the externally produced broadcast programs under paragraph (1), a broadcasting business operator shall program the broadcast programs produced by a specially related person so as not to exceed a specified ratio, under the conditions as prescribed by the Presidential Decree.

(3) A broadcasting business operator engaged in general programming shall program the externally produced broadcast programs in its prime time zone in excess of a specified ratio, under the conditions as prescribed by the Presidential Decree.

(4) The programming ratio of the externally produced broadcast programs under paragraph (1) may be set at graduated levels in consideration of the characteristics by broadcast media and by broadcast fields,

etc.

Article 73 (Commercial Broadcasts, etc.)

(1) A broadcasting business operator shall clearly separate the commercial broadcasts from the broadcast programs so as to avoid any confusions, and shall, at the time for commercial broadcasts of and that for spot commercials before and after the broadcast program which is oriented to children as its main audience, inscribe captions clarifying it as a commercial without fail under the conditions prescribed by the Presidential Decree so that children may distinguish broadcast programs from commercial broadcasts. <Amended by Act No. 8060, Oct. 27, 2006>

(2) The categories of commercial broadcasts shall be as follows and necessary matters concerning the scope of permission, time frame, frequencies or ways, etc. of commercial broadcasts shall be prescribed by the Presidential Decree: <Amended by Act No. 7498, May 18, 2005>

1. Broadcasting program commercials: Commercials that are programmed to be aired before and after broadcasting programs (referring to the time ranging from the announcement of the sign-on title to the beginning of main broadcasting programs and from the ending of main broadcasting programs to the announcement of the sign-off title);

2. Interval commercials: Commercials that are programmed to be aired during the time when one broadcasting program is interrupted between the beginning of such broadcasting program and the ending of such broadcasting program;

3. Spot commercials: Commercials that are programmed to be aired between one broadcasting program and another broadcasting program;

4. Commercial captions: Commercials that are aired in the form of letters or pictures regardless of broadcasting programs; and

5. Time announcement commercials: Commercials that are aired when the present time is announced.

(3) In the case of the broadcast engaged in a specialized programming for the product presentation and marketing, the contents of a broadcast for the presentation and marketing of the relevant products shall not be considered a commercial broadcast.

(4) A broadcasting business operator and an electric sign board broadcasting business operator shall program the non-commercial public interest advertisements which are produced for the purpose of promoting the public interests in excess of a specified ratio as prescribed by the Presidential Decree.

(5) Every terrestrial broadcasting business operator (including any program provider who airs the terrestrial broadcasting in use of the channel after conclude a broadcasting channel use contract with any terrestrial broadcasting business operator) may not conduct the commercial broadcasts except for the commercial broadcast items entrusted by the Korea Broadcasting Advertising Corporation or a commercial broadcast marketing agency prescribed by the Presidential Decree: Provided, That this shall not apply to the commercial broadcasts prescribed by the Presidential Decree. <Amended by Act No. 8301, Jan. 26, 2007>

Article 74 (Announcement of Sponsors)

(1) A broadcasting business operator may make an announcement of sponsors within the limit as prescribed by the Presidential Decree.

(2) Matters necessary for the detailed standards and methods of the announcement of sponsors, etc. shall be determined by the Commission's regulations.

Article 75 (Disaster Broadcast)

(1) A broadcasting business operator engaged in general programs or specialized in news programs shall broadcast a disaster program to reduce or prevent damages caused by the disaster, when a disaster under Article 2 of the Countermeasures against Natural Disasters Act or under Article 3 of the Framework Act on the Management of Disasters and Safety occurs, or when there is a concern about such occurrence.

<Amended by Act No. 7188, Mar. 11, 2004>

(2) When a disaster occurs or such occurrence is expected, The Korea Broadcasting Commission may request broadcasting business operators to broadcast a disaster program to reduce or prevent the damages caused by the disaster in accordance with the Presidential Decree. In this case, those operators shall comply with such request unless there is any special reason. <Amended by Act No. 7498, May 18, 2005; Act No. 8568, Jul. 27, 2007>

(3) The Korea Broadcasting Commission may designate the Korea Broad-casting System as the supervisory agency for disaster broadcasts.

(4) Matters necessary for the standards and methods, etc. of disaster broadcasts shall be determined by the Commission's regulations.

Article 76 (Supply of Broadcasting Programs and General Watching and Listening Right, etc.)

(1) A broadcasting business operator shall, in case where it supplies the broadcast programs to other broadcasting business operators, supply them at fair and reasonable market prices and without any discrimina- tions.

(2) The Korea Broadcasting Commission shall publish the sports games and other major events that are greatly popular with the people (here- inafter referred to as the "events that are greatly popular with the people, etc.") after going through the deliberation thereof of the General Watching and Listening Right Guarantee Committee provided for in the provi- sions of Article 76-2. In this case, the Korea Broadcasting Commission shall hear the opinions of the Minister of Culture and Tourism, broad- casting business operators as well as well as the viewers. <Newly Inserted by Act No. 8301, Jan. 26, 2007>

(3) The persons who hold the right to relay broadcasting for the events that are greatly popular with the people, etc. or their agents (hereinafter referred to as the "persons who hold the right to relay broadcasting, etc.") shall indiscriminately provide other broadcasting business opera- tors with the right to relay the broadcasting for the events that are greatly popular with the people, etc. at fair and rational prices in order for the general people to watch and listen to them. <Newly Inserted by Act No. 8301, Jan. 26, 2007>

(4)Every broadcasting business operator may report in writing any act that is performed in violation of the provisions of paragraphs (1) and (3) to the Korea Broadcasting Commission. <Newly Inserted by Act No. 8301, Jan. 26, 2007>

(5)The Korea Broadcasting Commission shall, upon receiving the written report referred to the provisions of paragraph (4), notify the result of how the written report is handled within 60 days from the date on which it receives the written report after going through the deliberation of the Broadcasting Dispute Conciliation Committee provided for in the provisions of Article 35-3. <Newly Inserted by Act No. 8301, Jan. 26, 2007>

Article 76-2 (General Watching and Listening Right Guarantee Committee)

(1)The General Watching and Listening Right Guarantee Committee shall be set up under the Korea Broadcasting Commission in order to ensure the smooth performance of the work of publishing the events that are greatly popular with the people, etc. provided for in the provisions of Article 76 (2).

(2)Not more than 7 members of the General Watching and Listening Right Guarantee Committee shall be commissioned by the chairman of the Korea Broadcasting Commission after obtaining the consent thereof of the Korea Broadcasting Commission.

(3)Necessary matters concerning the composition and operation of the General Watching and Listening Right Guarantee Committee shall be prescribed by the Commission's regulations.

[This Article Newly Inserted by Act No. 8301, Jan. 26, 2007]

Article 76-3 (Measures Taken to Guarantee General Watching and Listening Right, etc.)

(1)Every broadcasting business operator and every person who hold the right to relay broadcasting, etc. shall abide by matters including prohibited acts, etc. that are prescribed by the Presidential Decree in order to guarantee the general watching and listening right of the people provided for in the provisions of Article 76 (3).

(2)With respect to any broadcasting business operator and any person who holds the right to relay broadcasting, etc. who have violated the prohibited matters referred to in the provisions of paragraph (1), the Korea Broadcasting Commission may order them to take necessary measures to discontinue their violations of the prohibited matters. In this case, the Korea Broadcasting Commission shall give each of the relevant parties an opportunity to state his opinion during a fixed period before it orders them to take the corrective measures: Provided, That the same shall not apply to a case where the relevant parties fail to comply with the order without any justifiable grounds thereof.

(3)In case where it is deemed necessary to inspect the relation of fact to determine whether the prohibited matters referred to in the provisions of paragraph (1) are violated, the Korea Broadcasting Commission may ask the relevant broadcasting business operator and the relevant person who holds the right to relay broadcasting, etc. to submit their materials under the conditions as prescribed by the Presidential Decree or get the staff of its secretariat to enter the offices or the business places of the relevant broadcasting business operator and the relevant person who holds the right to relay broadcasting, etc. to check their

business operations.

(4)When the relevant broadcasting business operator and the relevant person who holds the right to relay broadcasting, etc. fail to take necessary measures to discontinue their violations of the prohibited matters referred to in the provisions of paragraph (2) without any justifiable grounds thereof, the Korea Broadcasting Commission may impose penalty charges to the relevant broadcasting business operator and the relevant person who holds the right to relay broadcasting, etc. within the limit of not exceeding the amount obtained by multiplying 5/100 by the total contract amount of the relevant right to relay broadcasting.

(5)The staff of the secretariat, who are assigned to conduct the check pursuant to the provisions of paragraph (3), shall carry their certificates showing their authority and produce them to persons concerned.

[This Article Newly Inserted by Act No. 8301, Jan. 26, 2007]

Article 76-4 (Recommendation to Conclusion of Joint Contract of Right to Relay Broadcasting)

The Korea Broadcasting Commission may recommend broadcasting business operators and persons who hold the rights to relay broadcasting to conclude a joint contract for the right to relay broadcasting in order to guarantee the general watching and listening right for the events that are greatly popular with the people, etc. and prevent any excessive competition for securing the right to relay broadcasting.

[This Article Newly Inserted by Act No. 8301, Jan. 26, 2007]

Article 76-5 (Recommendation to Orderly Program Relay Broadcasting, etc.)

(1)Every broadcasting business operator shall work not to infringe on the rights and interests of the viewers when he exercises his right to relay broadcasting for the events that are greatly popular with the people, etc. due to his excessively duplicative broadcast programming and work to orderly program his broadcasting by channel and media.

(2)The Korea Broadcasting Commission may recommend broadcasting business operators to orderly and efficiently program their broadcasting by channel and media referred to in the provisions of paragraph (1).

[This Article Newly Inserted by Act No. 8301, Jan. 26, 2007]

Article 77 (Approval of Standard Contractual Terms and Conditions for Pay Television)

(1)A broadcasting business operator, a CATV relay broadcasting business operator and a CATV music broadcasting business operator who intend to conduct the pay television shall set forth the standard contractual terms and conditions concerning the user fees and other conditions, and report thereon to the Korea Broadcasting Commission, and obtain approval of the Korea Broadcasting Commission for the user fees. The same shall apply to the case of any modification of the reported standard contractual terms and conditions or of the approved user fees.

(2)The Korea Broadcasting Commission may, in case where it deems that the standard contractual terms and conditions under paragraph (1) are significantly unreasonable and hamper the viewers' interests, order a broadcasting business operator, a CATV relay broadcasting business operator and a CATV music broadcasting business operator to modify the relevant standard contractual terms and conditions, with

fixing a considerable period.

Article 78 (Re-transmission)

(1) A CATV broadcasting business operator, a satellite broadcasting business operator (excluding a satellite broadcasting business operator conducting digital multimedia broadcasting) and a CATV relay broadcasting business operator shall receive the terrestrial broadcasts (excluding radio broadcasts) conducted by the Korea Broadcasting System and the Korea Educational Broadcasting System under the Korea Educational Broadcasting System Act, and simultaneously re-transmit the said broadcasts as they are without modifying them (hereinafter referred to as the “simultaneous re-transmission”): Provided, That this shall not apply to the case where the broadcasting zones of the relevant CATV broadcasting business operator and the CATV relay broadcasting business operator are not included in the broadcasting zone of the relevant broadcasting business operator conducting the terrestrial broadcasts. <Amended by Act No. 6690, Apr. 20, 2002; Act No. 7213, Mar. 22, 2004>

(2) Notwithstanding the provisions in the main sentence of paragraph (1), where a terrestrial broadcasting business operator under paragraph (1) operates several terrestrial broadcasting channels, the terrestrial broadcast to be simultaneously re-transmitted shall be limited to one terrestrial broadcast channel which the Korea Broadcasting Commission appoints and publicly announces considering the contents, etc. of broadcast programming by terrestrial broadcasting business operators. <Newly Inserted by Act No. 6690, Apr. 20, 2002>

(3) The provisions concerning the simultaneous relay broadcasting rights under Article 85 of the Copyright Act shall not be applicable to the case of the simultaneous re-transmission under paragraph (1). <Amended by Act No. 8101, Dec. 28, 2006>

(4) In case where a CATV broadcasting business operator and a CATV relay broadcasting business operator intend to simultaneously re-transmit the terrestrial broadcasts conducted by a terrestrial broadcasting business operator who is granted a license outside of the relevant broadcasting zone, or where a satellite broadcasting business operator intends to re-transmit a terrestrial broadcast other than the terrestrial broadcasts

that are simultaneously re-transmitted under paragraphs (1) and (2), they shall obtain approval from the Korea Broadcasting Commission. <Amended by Act No. 6690, Apr. 20, 2002>

(5) Deleted. < by Act No. 8568, Jul. 27, 2007>

(6) Matters necessary for the types of re-transmission and the requirements, procedures, valid terms, etc. for approval under paragraph (4) shall be prescribed by the Presidential Decree. <Amended by Act No. 6690, Apr. 20, 2002; Act No. 8060, Oct. 27, 2006; Act No. 8568, Jul. 27, 2007>

(7) A community radio broadcast business operator may re-transmit the broadcast programs of another community radio broadcast business operator within the scope prescribed by the Presidential Decree. <Newly Inserted by Act No. 8060, Oct. 27, 2006>

Article 78-2 (Approval, etc. for Re-transmission to the Republic of Korea by Foreign Broadcasting

Business Operator)

(1)When a foreign broadcasting business operator (referring to a foreigner who provides broadcasting services which are domestically received from broadcast transmission facilities in a foreign country or wireless facilities of a foreign artificial satellite, including a foreigner who may, in accordance with treaties, provide broadcasting services under this Act; hereinafter the same shall apply) intends to have other broadcasting business operators domestically re-transmit broadcasting services, he shall obtain the approval of the Korea Broadcasting Commission. In this case, the temporary relay transmission of a specific broadcast program, including that in which the standards provided for by the Presidential Decree are satisfied, shall not be deemed to be such re-transmission.

(2)The Korea Broadcasting Commission shall, in any case in which it receives an application for approval from any foreign broadcasting business operator under paragraph (1), review the following matters on an overall basis:

- 1.Possibility of realizing the fairness and public nature of broadcasting;
- 2.Effects on domestic broadcasting and visual industry;
- 3.Extent of contribution to the development of domestic broadcasting and visual industry;
- 4.Cultural diversity and social needs;
- 5.Whether or not there is a domestic branch, office or agent and matters related to the rights and duties with respect to re-transmission delegated to the branch, office or agent by the said foreign broadcasting business operator;
- 6.Extent of contribution to the promotion of international friendship and mutual understanding; and
- 7.Possibility that any broadcast content may constitute a violation of the deliberation rules referred to in Article 33 or any other Act such as the Criminal Act or the Copyright Act.

(3)Any foreign broadcasting business operator who obtains approval under paragraph (1) of this Article shall ensure that re-transmitted broadcast contents conform with the deliberation rules referred to in Article 33.

(4)The Korea Broadcasting Commission may, when necessary to perform its duties, request any foreign broadcasting business operator (including domestic branch, office or agent) to submit relevant materials.

(5)The Korea Broadcasting Commission may revoke the approval granted to any foreign broadcasting business operator under paragraph (1) in the following cases:

- 1.Where any broadcast content constitutes a violation of paragraph (3);
- 2.Where the conditions of approval are not fulfilled; or
- 3.Where any broadcast content constitutes a violation of any other Act such as the Criminal Act or the Copyright Act.

(6)No person, other than a broadcasting business operator receiving and re-transmitting broadcasting services provided by a foreign broadcasting business operator that obtained approval under paragraph (1),

shall re-transmit programs provided by any other foreign broadcasting business operator.

(7)The scope of and standards for a broadcasting business operator's re-transmission of broadcasting services, provided by a foreign broadcasting business operator that obtained approval under paragraph (1), shall be provided for by the Presidential Decree.

(8)Matters necessary for the procedures, etc. for approval and revocation thereof under paragraphs (1) and (5) shall be provided for by the Presidential Decree.

[This Article Newly Inserted by Act No. 8568, Jul. 27, 2007]

Article 79 (Technological Standards and Completion Inspection, etc. concerning CATV Broadcasting Station Facilities, etc.)

(1)The Minister of Information and Communication shall set forth the matters concerning the installation and maintenance of CATV broadcasting station facilities (including a CATV broadcasting station and the facilities for conducting the CATV relay broadcasting or the CATV music broadcasting; hereinafter the same shall apply) and the technological standards necessary for a point of demarcation, etc. of signal transmission and line facilities (hereinafter referred to as “technological standards”), and make a public notification thereof.

(2)A CATV broadcasting business operator, a CATV relay broadcasting business operator, and a CATV music broadcasting business operator shall install the CATV broadcasting station facilities in accordance with the technological standards not later than the deadline prescribed by the Presidential Decree, and undergo the completion inspection by the Minister of Information and Communication. The same shall also apply to the case of any modifications of the installed CATV broadcasting station facilities.

(3)A CATV broadcasting business operator, a CATV relay broadcasting business operator, and a CATV music broadcasting business operator may install the signal transmission or line facilities by themselves, or use the signal transmission or line facilities of a signal transmission network business operator or the telecommunication facilities of a fundamental telecommunication business operator under the Framework Act on Telecommunications, and a CATV broadcasting business operator and a CATV relay broadcasting business operator may reciprocally use their signal transmission or line facilities.

(4)A CATV broadcasting business operator, a CATV relay broadcasting business operator and a CATV music broadcasting business operator may, in case where they are unable to install the CATV broadcasting station facilities not later than the deadline as prescribed by the Presidential Decree due to force majeure or other unavoidable reasons, request the Minister of Information and Communication for an extension of the deadline for installation of the facilities under the conditions as prescribed by the Presidential Decree.

Article 80 (Verification of Installation of Signal Transmission or Line Facilities)

When a CATV broadcasting business operator, a CATV relay broadcasting business operator and a CATV music broadcasting business operator install the signal transmission or line facilities by themselves, or when a signal transmission network business operator or a fundamental telecommunication

business operator enters into a contract with a CATV broadcasting business operator or a CATV relay broadcasting business operator for use of the signal transmission or line facilities, their signal transmission or line facilities shall be installed in accordance with the technical standards, and verified by the Minister of Information and Communication. This shall also apply to the case of any modifications in the installed signal transmission or line facilities.

Article 81 (Order, etc. for Improvement of Facilities)

The Minister of Information and Communication may, in case where the CATV broadcasting station facilities and the signal transmission or line facilities installed by a CATV broadcasting business operator, a CATV relay broadcasting business operator, a CATV music broadcasting business operator and a signal transmission network business operator fail to conform to the technological standards, order the repair, improvement and relocation of facilities and other required measures.

Article 82 (Use of Signal Transmission or Line Facilities)

A signal transmission network business operator shall set forth the standard contractual terms and conditions concerning the use fees for signal transmission or line facilities and other use conditions under the conditions as determined by the Ordinance of the Ministry of Information and Communication, and report thereon to the Minister of Information and Communication. The same shall also apply when their modification is intended.

Article 83 (Recording and Preservation of Broadcast Contents)

(1) A broadcasting business operator, a CATV relay broadcasting business operator, an electric sign board broadcasting business operator and a CATV music broadcasting business operator shall record and keep the broadcast contents in a broadcast log, and shall submit the results of conducting broadcasts to the Korea Broadcasting Commission within one month after the broadcasting unless there exist any special reasons.

(2) A broadcasting business operator shall preserve the original or copy of the broadcast programs (including previews; hereinafter the same shall apply) broadcasted (excluding re-transmission) for six months after broadcasting. <Amended by Act No. 8060, Oct. 27, 2006>

(3) Matters necessary for the recording of a broadcast log and the time for submission, etc. of the results of conducting broadcasts under paragraph (1) and the preservation, etc. of the original or a copy of the broadcast programs by business operators under paragraph (2) shall be determined by the Commission's regulations.

Article 84 (Report of Closedown and Suspension of Business, etc.)

(1) When a broadcasting business operator, a CATV relay broadcasting business operator, a CATV music broadcasting business operator or an electric sign board broadcasting business operator intends to close down or suspend the relevant business, they shall report respectively to the Korea Broadcasting Commission and the Minister of Information and Communication. <Amended by Act No. 8301, Jan. 26, 2007>

(2) A broadcasting business operator, a CATV relay broadcasting business operator, and a CATV music broadcasting business operator may suspend the business only where there exist the unavoidable circumstances such as force majeure, etc.

(3) Matters necessary for the report procedures, etc. for the closedown and suspension of business under paragraphs (1) and (2) shall be determined by the Commission's regulations.

Article 85 (Exclusion from Application to Pay Television, etc. by Broadcast Program)

The provisions of Articles 71 through 75 shall not apply to a broadcasting business operator engaged in the pay television by broadcast program.

CHAPTER VI PROTECTION OF RIGHTS AND INTERESTS OF VIEWERS

Article 86 (Self Review)

A broadcasting business operator shall establish an organization which may review broadcast programs by itself, and review the broadcast programs (excluding the broadcast programs concerning news reports) before they are broadcasted: Provided, That a community radio broadcasting business operator shall hold a broadcasting evaluation meeting in which the viewers of the broadcasting area participate, at least once a year.

[This Article Wholly Amended by Act No. 8060, Oct. 27, 2006]

Article 87 (Viewers Committee)

(1) A broadcasting business operator engaged in general programming or specialized programming of news reports shall have a viewers committee in order to protect the viewers' rights and interests.

(2) A broadcasting business operator under paragraph (1) shall commission the members of viewers committee from among the persons who may represent the viewers of all walks of life, upon recommendation of the organizations determined by the Commission's regulations.

(3) Matters necessary for the composition and operation of a viewers committee shall be prescribed by the Presidential Decree.

Article 88 (Authority and Duties of Viewers Committee)

(1) The authority and duties of a viewers committee shall be as follows:

1. Presentation of opinions or request for correction on the broadcast programming;
2. Presentation of opinions or request for correction on the self review rules of a broadcasting business operator and the contents of broadcast programs;
3. Selection and appointment of viewer critics; and
4. Other affairs concerning the protection of and relief for infringements on the viewers' rights and interests.

(2) The representative of a viewers committee may appear before the Korea Broadcasting Commission, and make a statement of opinions.

Article 89 (Viewers Evaluation Program)

- (1) A broadcasting business operator engaged in general programming or specialized programming of news reports shall converge the opinions of the viewers on the broadcasting operation and broadcast programs of the relevant broadcasting business operator, and compile a viewers evaluation program in excess of sixty minutes per week.
- (2) One viewer critic selected and appointed by the viewers committee may appear in the viewer evaluation program in person, and make a statement of opinions.
- (3) The Korea Broadcasting Commission may, from the Fund, support the viewer critic with the expenses for a smooth performance of his duties.

Article 90 (Liability of Broadcasting Business Operator)

- (1) A broadcasting business operator engaged in general programming or specialized programming of news reports shall, in case where he receives a presentation of opinions or a request for correction from the viewers committee under Article 88 (1) 1 and 2, comply with it unless there exist any special reasons.
- (2) The viewers committee may, in case where a broadcasting business operator unreasonably refuses to comply with a presentation of opinions or a request for correction made by it, request the Korea Broadcasting Commission for a settlement of viewers' complaint.
- (3) A broadcasting business operator engaged in general programming or specialized programming of news reports shall, in case where the viewers committee requests a submission of data or an appearance and replies by a relevant party, which are necessary for carrying out its duties under each subparagraph of Article 88 (1), comply with it unless there exist any special reasons.
- (4) A broadcasting business operator engaged in general programming or specialized programming of news reports shall report the results of a review by the viewers committee and the matters concerning their settlements to the Korea Broadcasting Commission.
- (5) A broadcasting business operator engaged in general programming or specialized programming of news reports shall, under the conditions as prescribed by the Presidential Decree, disclose the information concerning the broadcasting business requested by the viewers.

Article 91 Deleted. <by Act No. 7370, Jan. 27, 2005>

CHAPTER VII SUPPORT FOR DEVELOPMENT OF BROADCASTING

Article 92 (Support for Development of Broadcasting)

- (1) The Government shall have the variety of broadcasts equally enjoyed by the people, and endeavor for the development and promotion of the broadcasting culture.
- (2) The Minister of Culture and Tourism shall devise and implement the policies required for the advancement of broadcasting and image industries.
- (3) The Minister of Information and Communication shall devise and implement the policies required for the broadcasting technologies and facilities.

Article 93 (Storage and Utilization of Broadcast Programs)

The broadcasting business operators may jointly establish and operate a depository of broadcast programs for the efficient collection, storage, distribution and utilization, etc. of the broadcast programs.

Article 94 (Fostering, etc. of Broadcasting Professionals)

The Government may devise the policies required for the support, etc. of the professional training institutions and broadcast-related curricula, etc. in order to foster the broadcasting professionals.

Article 95 (Creation and Support of Broadcast Production Complex)

(1) The Government may, in case where the broadcasting business operators jointly create a broadcast production complex, provide the required supports.

(2) The Government may have a broadcast production complex under paragraph (1) linked and operated with an information and communication complex or image production complex.

Article 96 (Support for Distribution, etc. of Broadcast Programs)

(1) The Minister of Culture and Tourism may provide supports so as to allow the cinematographic works such as image and video to be produced as the broadcast programs, and be distributed, utilized or exported in multi-phases by broadcast media.

(2) The Minister of Information and Communication may provide supports so as to bring about the acceleration of development, utilization and export of the broadcasting technologies and facilities.

Article 97 (International Cooperation of Broadcasting)

The Government or the Korea Broadcasting Commission may provide supports for the projects which may accelerate the international cooperations such as international exchanges, joint production of broadcast programs, mutual exchanges of broadcasting professionals, and joint development of broadcasting technologies with the broadcast-related institutions and organizations of foreign countries.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 98 (Submission of Data)

(1) The Government or the Korea Broadcasting Commission may, in case where necessary for carrying out its affairs, request a broadcasting business operator, a CATV relay broadcasting business operator, an electric sign board broadcasting business operator, a CATV music broadcasting business operator or a signal transmission network business operator, to submit the related data.

(2) A broadcasting business operator shall submit the status of assets of the relevant corporation at the end of every year to the Korean Broadcasting Commission, and the said Commission shall make a public announcement thereof.

Article 99 (Corrective Orders, etc.)

(1) The Korea Broadcasting Commission may order corrections in case where a broadcasting business operator, a CATV relay broadcasting business operator, an electric signboard broadcasting business operator or a CATV music broadcasting business operator falls under any of the following subparagraphs:

<Amended by Act No. 8568, Jul. 27, 2007>

1. Where he is deemed to substantially obstruct viewers' interest, including the suspension of

broadcasting without any justifiable reason; or

2. Where he is deemed to violate this Act, the conditions of a license or approval, or the registration requirements.

(2) The Minister of Information and Communication may order the improvement of the facilities, when it is deemed that the facilities installed by a broadcasting business operator (excluding a program providing business operator), a signal transmission network business operator, a CATV relay broadcasting business operator or a CATV music broadcasting business operator is in violation of this Act, the conditions of a license or the registration requirements.

Article 100 (Disciplinary Measures, etc.)

(1) Where a broadcasting business operator, a CATV relay broadcasting business operator, or an electric sign board broadcasting business operator violates the deliberation rules under Article 33 and the regulations for announcement of sponsors under Article 74 (2), the Korean Broadcasting Commission may order a disciplinary measure falling under any of the following subparagraphs. The same shall also apply where deemed necessary for a discipline as a result of the settlement of viewers' complaints under subparagraph 8 of Article 27: Provided, That where it does not reach to the degree requiring an order for a disciplinary measure as the violation of the deliberation rules, etc. is minor, it may advise or suggest its opinions with respect to the relevant business operator, or the person in charge of or related to the relevant broadcast program: <Amended by Act No. 8060, Oct. 27, 2006>

1. An apology to the viewers;

2. A correction, amendment or suspension of the relevant broadcast program;

3. A disciplinary action against the person in charge of broadcast programming or the person related to the relevant broadcast program; and

4. A caution or warning.

(2) Where the disciplinary measure under paragraph (1) is taken due to a performer of the relevant broadcast program, the relevant broadcasting business operator shall take an appropriate measure such as a warning and a limitation on appearance on stage against the broadcasting performer. <Newly Inserted by Act No. 8060, Oct. 27, 2006>

(3) Only in any case falling under any of the following subparagraphs which is deemed grave in the degree of violation, notwithstanding the provisions of paragraph (1), the Korea Broadcasting Commission may, impose a penalty surcharge amounting one hundred million won or less: <Newly Inserted by Act No. 8060, Oct. 27, 2006>

1. Where the deliberation rules on lewdness, decadence, violence, etc. have been violated;

2. Where the deliberation rules have been violated due to the internal use, administration and inhalation of narcotics, etc. under subparagraph 1 of Article 2 of the Act on the Control of Narcotics, etc., appearance on stage while intoxicated, etc.; and

3. Where the deliberation rules have been violated repeatedly due to the same reason under the conditions

prescribed by the Presidential Decree although a disciplinary measure was taken under paragraph (1) 1 through 3.

(4) Upon receipt of the order under paragraph (1), a broadcasting business operator, a CATV relay broadcasting business operator, and an electric sign board broadcasting business operator shall broadcast without delay the full text of the matters decided by the Korea Broadcasting Commission with regard to the content of the relevant order, and implement the order within seven days since the date when the order was received, and report the outcome of such an implementation to the Korea Broadcasting Commission.

(5) When the Korea Broadcasting Commission intends to order a disciplinary measure under paragraph (1) 1 through 3, it shall provide in advance the party concerned or his agent with an opportunity to state his opinions: Provided, That this shall not apply when the party concerned or his agent has failed to respond to it without any justifiable reasons.

(6) A person who protests a disciplinary measure under paragraph (1) may request the Korea Broadcasting Commission for a review within thirty days since the date when the order of relevant disciplinary measures was received.

(7) The Korea Broadcasting Commission shall notify the party concerned or his agent of the result of a review by the said Commission under paragraph (6). <Amended by Act No. 8060, Oct. 27, 2006>

Article 101 (Hearing)

The Korea Broadcasting Commission or the Minister of Information and Communication shall hold a hearing in the cases falling under any of the following subparagraphs: <Amended by Act No. 8568, Jul. 27, 2007>

1. Where a renewed license, a recommendation for renewed license or a renewed approval under Article 17 is refused;

2. Where a license, approval or registration under Article 18 is revoked; or

3. Where approval is revoked under Article 78-2 (5).

Article 102 (Fees)

A person who applies for a license, approval, registration, modified license, modified approval, modified registration, renewed license, renewed approval under this Act, or who intends to undergo a completion inspection of CATV broadcasting station facilities and signal transmission or line facilities, shall pay the fee under the conditions as prescribed by the Presidential Decree.

Article 103 (Delegation or Entrustment of Authority)

(1) The authority of the Korea Broadcasting Commission or the Minister of Information and Communication under this Act may be delegated in part to the Mayors/Do governors or the Commissioners of the Communications Offices, or entrusted to the Korea Radio Promotion Agency under the Radio Waves Act, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 7815, Dec. 30, 2005>

(2) The Korea Broadcasting Commission shall entrust its duties related to the prior deliberation on the commercial broadcast items under Article 32 (2) to private institutes or organizations, under the conditions as prescribed by the Presidential Decree.

Article 104 (Legal Fictions as Public Officials in Application of Penal Provisions)

Members of the Korea Broadcasting Commission or personnel of the secretariat who are not public officials and the persons engaged in the affairs whose authorities were entrusted under Article 103 shall be considered the public officials in applying the penal provisions under the Criminal Act or other Acts.

CHAPTER IX PENAL PROVISIONS

Article 105 (Penal Provisions)

A person falling under any of the following subparagraphs shall be subject to imprisonment for not more than two years or a fine not exceeding thirty million won:

1. A person who regulates or interferes with the broadcast programming in violation of Article 4 (2);
2. A person who receives a license or a renewed license, or obtains approval or a renewed approval, or registers under Article 9 or 17 by falsity or illegal means, and has conducted a broadcasting business, a CATV relay broadcasting business, a CATV music broadcasting business, an electric sign board broadcasting business or a signal transmission network business; and
3. A person who has conducted a broadcasting business, a CATV relay broadcasting business, a CATV music broadcasting business, an electric sign board broadcasting business or a signal transmission network business, without receiving a license or a renewed license, or obtaining approval or a renewed approval, or registering under Article 9 or 17.

Article 106 (Penal Provisions)

(1) A person falling under any of the following subparagraphs shall be subject to imprisonment for not more than one year or a fine not exceeding thirty million won: <Amended by Act No. 7213, Mar. 22, 2004; Act No. 8060, Oct. 27, 2006>

1. A person who fails to set forth or publicly announce a covenant on broadcast programming in violation of Article 4 (4);
2. A person who violates the correction order under Article 8 (12);
3. A person who violates the correction order under Article 14 (6);
4. A person who receives a modified license, or obtains a modified approval, or made a modified registration under Article 15 (1) by falsity or by an illegal means;
5. A person who fails to receive a modified license, to obtain a modified approval, or to make a modified registration under Article 15 (1); and
6. A person who violates the correction order under Article 15-2 (3).

(2) A person falling under any of the following subparagraphs shall be subject to a fine not exceeding thirty million won: <Amended by Act No. 8301, Jan. 26, 2007>

1.A person who divulges or makes a fraudulent use of any secret of the System as a matter of duties in violation of Article 53 (3); and

2.A person who fails to comply with an order of disciplinary measures by the Korea Broadcasting Commission under Article 100 (1).

Article 107 (Joint Penal Provisions)

When a representative of a corporation or an agent, employee or other employed person of a corporation or an individual commits an offense in violation of Article 105 or 106 in connection with the duties of the said corporation or the individual, in addition to punishing to offender, the said corporation or individual shall also be subject to a fine of each applicable Article.

Article 108 (Fine for Negligence)

(1) A person falling under any of the following subparagraphs shall be subject to a fine for negligence not exceeding thirty million won:- <Amended by Act No. 6690, Apr. 20, 2002; Act No. 7213, Mar. 22, 2004; Act No. 7498, May 18, 2005; Act No. 8060, Oct. 27, 2006; Act No. 8568, Jul. 27, 2007>

1.A person who fails to make a public announcement of the name of the person in charge of broadcast programming not less than once a day during the broadcasting hours in violation of Article 4 (3);

2.A person who fails to report as prescribed in Article 15 (2) and (3);

2-2.A person who fails to report under the provisions of the proviso of Article 15-2 (1);

2-3.A person who violates the provisions of Article 32 (3) or (4);

3.A person who fails to indicate the rating of a broadcast program in violation of Article 33 (3);

4.A person who programs the broadcasts in violation of Article 69 (3) through (6);

5.A person who structures and operates channels in violation of Article 70 (1) through (4);

6.A person who operates channels in violation of the proviso of Article 70 (5), or who operates channels in violation of the Presidential Decree as prescribed in paragraph (6) of the same Article;

7.A person who fails to broadcast the broadcast programs produced by viewers themselves in violation of Article 70 (7) without any special reasons;

8.A person who programs broadcast programs in violation of Article 71 (1) through (3);

9.A person who programs broadcast programs in violation of the programming ratio under Article 72 (1) through (3);

10.A person who conducts commercial broadcasts in violation of Article 73 (1), (2), (4) or (5);

11.A person who makes an announcement of sponsors in violation of Article 74 (1) and (2);

11-2.A person who fails to air disaster broadcasts without any justifiable grounds in violation of Article 75 (2);

12.A person who conducts pay broadcasts without making a report or a modified report on the standard contractual terms and conditions, or without obtaining approval or a modified approval, in violation of Article 77 (1);

13.A person who fails to simultaneously re-transmit in violation of Article 78 (1);

14. A person who makes re-transmission in violation of Article 78 (4) and a person who installs and manages facilities for broadcasting by the entrustment of a broadcasting business operator and who makes the re-transmission possible, constituting a violation of Article 78 (4);

14-2. A foreign broadcasting business operator who is described in any of the following items:

(a) A person who makes re-transmission without approval in violation of Article 78-2 (1);

(b) A person who makes re-transmission in violation of Article 78-2 (3); or

(c) A person who fails to comply with a request for the submission of materials under Article 78-2 (4) or who submits false materials;

14-3. A person who makes re-transmission in violation of Article 78-2 (6) or who violates the scope of and standards for re-transmission under paragraph (7) of that Article;

15. A person who fails to undergo a completion inspection or a verification in violation of Article 79 (2) or 80;

16. A person who conducts a signal transmission network business without making a report or a modified report on the standard contractual terms and conditions in violation of Article 82;

17. A person who fails to record a broadcast log under Article 83 (1) or records it by falsity, or a person who fails to submit the results of conducting a broadcast;

18. A person who fails to preserve the original or a copy of a broadcast program in violation of Article 83 (2);

19. A person who closes down or suspends the business without reporting under Article 84 (1);

20. A person who fails to set up an organization for self-deliberation or fails to deliberate on the broadcast programs in violation of Article 86;

21. A person who fails to establish a viewers committee in violation of Article 87 (1);

22. A person who fails to compile a viewers evaluation program in violation of Article 89 (1);

23. A person who refuses a request for submission of necessary data or an appearance and replies by a relevant party in violation of Article 90 (3);

24. A person who fails to report to the Korea Broadcasting Commission on the results of a review by a viewers committee and their settlements in violation of Article 90 (4);

25. Deleted; <by Act No. 7370, Jan. 27, 2005>

25-2. A person who fails to submit data in violation of Article 98 (1), or who submits false data;

26. A person who fails to submit the status of assets in violation of Article 98 (2), or who submits false status of assets;

26-2. A person who fails to take a measure such as a warning and a limitation on appearance on stage with respect to a broadcasting performer who has violated Article 100 (2); and

27. A person who fails to broadcast the full text of the matters decided by the Korea Broadcasting Commission or to report the outcome thereof to the Korea Broadcasting Commission in violation of

Article 100 (4).

(2) The Korea Broadcasting Commission or the Minister of Information and Communication (hereinafter referred to as the “person entitled to levy”) shall levy and collect the fine for negligence under paragraph (1) under the conditions as prescribed by the Presidential Decree.

(3) A person who protests the disposition by a fine for negligence under paragraph (2) may raise an objection to the person entitled to levy within thirty days since the date when he received a notice of the relevant disposition.

(4) When a person who was subjected to the disposition by a fine for negligence under paragraph (2) raises an objection under paragraph (3), the person entitled to levy shall without delay notify the competent court thereof, and the competent court so notified shall hold a trial of negligence fine under the Non-Contentious Case Litigation Procedure Act.

(5) When an objection is not raised within the period under paragraph (3), nor a fine for negligence is paid, it shall be collected in accordance with the examples of dispositions on the national tax in arrears.

Article 109 (Imposition and Collection of Penalty Surcharges)

(1) The Korea Broadcasting Commission or the Minister of Information and Communication shall take into account the matters falling under each of the following subparagraphs when he imposes penalty surcharges under the provisions of this Act:

- 1.The contents and extent of the offense;
- 2.The duration and frequency of the offense; and
- 3.The scale, etc. of gains acquired from the offense.

(2) Where any broadcasting business operator that has violated the provisions of this Act has merged, the Korea Broadcasting Commission or the Minister of Information and Communication may impose and collect penalty surcharges by deeming the offense committed by the relevant juridical person to be an act performed by the juridical person existing after the merger or established by the merger.

(3) Where the relevant broadcasting business operator who has been imposed penalty surcharges is divided, or divided and merged (including the cases where division, or division and merger is executed on the date of imposition), the juridical persons falling under each of the following subparagraphs shall be jointly responsible to pay the said penalty surcharges:

- 1.The juridical person which is divided;
- 2.The juridical person established from division, or division and merger; and
- 3.Where a part of the company which is divided merges with another company and such another company continues to exist, such another juridical person.

(4) Where any broadcasting business operator that has been imposed penalty surcharges is dissolved due to a division, or division and merger (including the cases where it is dissolved on the date of imposition), the juridical persons falling under each of the following subparagraphs shall be jointly responsible to pay the said penalty surcharge:

1. The juridical person established from the division, or division and merger; and
 2. Where a part of the juridical person which is divided merges with another juridical person and such another juridical person continues to exist, such another juridical person.
- (5) When any obligor for payment of penalty surcharges fails to pay the penalty surcharges within the time limit of payment, the Korean Broadcasting Commission or the Minister of Information and Communication shall urge the said obligor for payment by fixing a period, and when the said obligor fails to pay the penalty surcharges within the fixed period, it of he may collect the penalty surcharges by referring to the examples of dispositions on national taxes in arrears.
- (6) Necessary matters regarding the standards for imposition of penalty surcharges and the collection of penalty surcharges under paragraph (1) shall be prescribed by the Presidential Decree.
- [This Article Newly Inserted by Act No. 8060, Oct. 27, 2006]

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force two months after the date of its promulgation, but Article 4 (2) of the Addenda shall enter into force on the date of its promulgation.

Article 2 (Repeal of Other Acts)

The Acts referred to in the following subparagraphs shall be repealed:

1. Broadcasting Act;
2. Composite Cable Broadcasting Act;
3. Korea Broadcasting System Act; and
4. Management of Cable Broadcasting Act.

Article 3 (Transitional Measures concerning Korea Broadcasting Commission, etc.)

(1) The Korea Broadcasting Commission as prescribed in Article 20 shall be composed not later than thirty days before this Act enters into force.

(2) In case where the Korea Broadcasting Commission under this Act is composed, the Broadcast Committee under the previous Broadcasting Act or the Cable Broadcasting Committee under Composite Cable Broadcasting Act shall be considered dissolved.

(3) Members of the Broadcast Committee under the previous Broadcasting Act at the time of the promulgation of this Act shall perform their duties until the Korea Broadcasting Commission under this Act is composed, even if their terms of office expire before this Act enters into force.

(4) In case where the Korea Broadcasting Commission under paragraph (1) is composed, the Korea Broadcasting Commission shall perform the duties of the Broadcasting Committee under the previous Broadcasting Act or the Cable Broadcasting Committee under the previous Composite Cable Broadcasting Act until prior to the date when this Act enters into force.

Article 4 (Transitional Measures concerning Articles of Incorporation, etc. of Korea Broadcasting

System)

(1) The Korea Broadcasting System under the previous Korea Broadcasting System Act at the time when this Act enters into force shall be considered the Korea Broadcasting System under this Act. In this case, the articles of incorporation shall be modified and approved by the Korea Broadcasting Commission within three months after this Act enters into force.

(2) The current amount of the receiving fees under the previous Korea Broadcasting System Act as of December 31, 1999 shall be considered to have obtained the approval of the National Assembly under Article 65 from January 1, 2000.

(3) The Korea Broadcasting System under this Act shall succeed to all rights and liabilities of the Korea Broadcasting System under the previous Korea Broadcasting System Act.

Article 5 (Transitional Measures concerning Composition of Board of Directors and Executive Organs of Korea Broadcasting System)

(1) The board of directors and executive organs of the Korea Broadcasting System shall be formed under the provisions of this Act within three months after this Act enters into force.

(2) The directors of the Korea Broadcasting System, including the chairman of the board of directors, at the time when this Act enters into force shall perform their duties until their successors under this Act are selected and appointed.

(3) The president, vice presidents and auditor of the Korea Broadcasting System at the time when this Act enters into force shall perform their duties until their successors under this Act are selected or appointed.

Article 6 (Transitional Measures concerning Public Service Funds and Public Service Funds Management Committee)

(1) Public service funds established, administered and operated by the Korea Broadcasting Advertising Corporation under the Korea Broadcasting Advertising Corporation Act at the time when this Act enters into force shall be considered the Broadcast Development Fund established, administered and operated by the Korea Broadcasting Commission under the provisions of this Act.

(2) In case where the Broadcast Development Fund Management Committee under this Act is composed, the public service funds administration committee under the previous Korea Broadcasting Advertising Corporation Act shall be considered dissolved.

Article 7 (General Transitional Measures)

(1) Administrative dispositions, etc. under the previous Broadcasting Act, Composite Cable Broadcasting Act, Management of Cable Broadcasting Act or Korea Broadcasting System Act at the time when this Act enters into force, the activities and diverse reports, etc. by administrative agencies, Korea Broadcasting Commission, Cable Broadcasting Committee, and other actions toward administrative agencies, Korea Broadcasting Commission, Cable Broadcasting Committee, shall be considered the actions under this Act.

(2) The Korea Broadcasting Commission may defer the authorization for a CATV broadcasting business

under Article 9 (3) of this Act during the period as determined in the attached Tables.

(3) During the deferment period under paragraph (2), a CATV broad-casting business operator shall not record the sound and pictures of broadcasts conducted by the terrestrial broadcasting business operators, and re-transmit them.

(4) A program providing business operator liable to register under Article 9 (5) shall obtain authorization of the Korea Broadcasting Commission by December 31, 2000. In this case, the matters concerning the conditions of and procedures for authorization shall be determined by the Commission's regulations.

Article 8 (Transitional Measures concerning License, etc. for Broad-casting Business)

(1) A person who has received a license for a radio station under the Radio Waves Act at the time when this Act enters into force shall be considered a person who is granted a license under the provisions of Article 9 (1) of this Act.

(2) A person who has received a license for a cable broadcasting station under the previous Composite Cable Broadcasting Act at the time when this Act enters into force shall be considered a person who is granted a license under the provisions of Article 9 (2) of this Act, a person who has received a license for a program provider business shall be considered a person who is granted authorization or is registered under the provisions of Article 9 (5) of this Act, and a person who is designated as a network operator shall be considered a person registered under the provisions of Article 9 (10) of this Act.

(3) A person who has received a license as a cable broadcasting business operator under the provisions of the previous Management of Cable Broadcasting Act at the time when this Act enters into force shall be considered a person who is granted a license for a CATV relay broad-casting business under the provisions of Article 9 (2) of this Act, and a person who has received a license as music cable broadcasting business operator shall be considered a person registered as a CATV music broadcasting business operator under the provisions of Article 9 (5).

(4) A person who conducts an electric sign board broadcasts at the time when this Act enters into force shall be considered a person registered as an electric sign board broadcasting business operator under the provisions of Article 9 (5) of this Act: Provided, That he shall be issued a certificate of registration within six months after this Act enters into force.

Article 9 (Special Cases concerning Restriction on Ownership by Broad-casting Business Operator)

(1) In case where a corporation operating a daily newspaper under the Registration, etc. of Periodicals Act (including specially related persons) owns the stocks or equity shares of a corporation conducting a news report program provider business under the previous Composite Cable Broadcasting Act at the time when this Act enters into force, it may continue to own the stocks or equity shares, notwithstanding the provisions of Article 8 (3) of this Act, to the extent of the stocks or equity shares the said corporation owns.

(2) In case where a person, who has received a license for a broadcasting business under the previous Broadcasting Act or Composite Cable Broadcasting Act at the time when this Act enters into force or

who owns the stocks or equity shares of such a business, comes to fall under a conglomerate or its affiliated companies (including specially related persons), he may continue to own the stocks or equity shares, notwithstanding the provisions of Article 8 (3) and (4), to the extent of the stocks or equity shares the said person owns.

(3) A person, who owns the stocks or equity shares of a broadcasting business operator under Article 3 of the Addenda of the Broadcasting Act No. 5529 at the time when this Act enters into force in excess of the limit on ownership under Article 8 (2) of this Act, may continue to own the stocks or equity shares to the extent of the stocks or equity shares the said person owns.

Article 10 (Collection of Fund from Satellite Broadcasting Business Operator)

The time for a collection of the Fund from a satellite broadcasting business operator under Article 37 (3) of this Act shall be prescribed by the Presidential Decree in consideration of the operational status of the satellite broadcasting business operator.

Article 11 (Transitional Measures concerning Application of Penal Provisions)

In the application of penal provisions against any acts before this Act enters into force, the previous provisions of the Broadcasting Act, Composite Cable Broadcasting Act, Korea Broadcasting System Act or Management of Cable Broadcasting Act shall govern.

Article 12 Omitted.

Article 13 (Relation to Other Acts)

In case where the provisions of the previous Broadcasting Act, Composite Cable Broadcasting Act, Korea Broadcasting System Act or Management of Cable Broadcasting Act are cited in other Acts at the time when this Act enters into force, and where there are corresponding provisions in this Act, the corresponding provisions of this Act shall be considered to have been cited in lieu of the previous provisions.

ADDENDUM <Act No. 6690, Apr. 20, 2002>

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

ADDENDUM <Act No. 6803, Dec. 18, 2002>

This Act shall enter into force on January 1, 2003.

ADDENDUM <Act No. 6869, May 10, 2003>

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

ADDENDA <Act No. 6905, May 29, 2003>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA<Act No. 7188, Mar. 11, 2004>

Article 1 (Enforcement Date)

This Act shall enter into force on the day the Presidential Decree prescribes within the scope not exceeding three months from the date of its promulgation.

[Enforcement Date of the Enforcement Decree of the Framework Act on the Management of Disasters and Safety (Presidential Decree No. 18407), May 29, 2004: Jun. 1, 2004]

Articles 2 through 11 Omitted.

ADDENDA<Act No. 7190, Mar. 12, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDUM <Act No. 7213, Mar. 22, 2004>

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

ADDENDA<Act No. 7370, Jan. 27, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7498, May 18, 2005>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Collection of Regional Business Privilege Fees)

(1)The CATV broadcasting business operators shall pay regional business privilege fees that are collected by the Korea Broadcasting Commission pursuant to the previous provisions of Article 12 (3) after calculating the number of days by the date preceding the date on which this Act enters into force.

(2) The Korea Broadcasting Commission shall contribute the regional business privilege fees that are collected pursuant to paragraph (1) to the Broadcast Development Fund provided for in the provisions of Article 36.

ADDENDA<Act No. 7655, Aug. 4, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDA<Act No. 7815, Dec. 30, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA<Act No. 8050, Oct. 4, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2007. (Proviso Omitted.)

Articles 2 through 12 Omitted.

ADDENDA<Act No. 8060, Oct. 27, 2006>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Limitation on Ownership by Broadcasting Business Operators)

Any person that fails to meet the requirements of the amended provisions of Article 8 (2) 2 at the time of enforcement of this Act shall meet the requirements of the same provisions within one year after the enforcement of this Act.

Article 3 (Transitional Measures concerning Valid Term of Approval for Re-transmission of Terrestrial Broadcasting by CATV Broadcasting Business Operators, etc.)

Any person that has obtained approval for re-transmission with respect to the broadcasting respectively performed by terrestrial broadcasting business operators and foreign broadcasting business operators under Article 78 (4) and (5) at the time of enforcement of this Act shall be deemed to have obtained approval for re-transmission respectively again at the time of enforcement of the Presidential Decree under the amended provisions of Article 78 (6).

ADDENDA <Act No. 8101, Dec. 28, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

ADDENDA <Act No. 8301, Jan. 26, 2007>

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

(2) (Valid Period) The amended provisions of Article 70 (6) shall have their validity on or before June 30,

2010.

ADDENDA <Act No. 8568, Jul. 27, 2007>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Restrictions on Ownership between Terrestrial Broadcasting Business Operators)

(1) At the time when this Act enters into force, any person who fails to meet the requirements of the amended provisions of Article 8 (7) shall meet such requirements within one year after the date on which this Act enters into force.

(2) The application of Article 8 (11) and (12) shall be suspended during the period referred to in paragraph (1) of this Article.

Article 3 (Transitional Measures concerning Re-transmission of Broadcasting Services Provided by Foreign Broadcasting Business Operator)

At the time when this Act enters into force, approval for re-transmission of broadcasting services of a foreign broadcasting business operator obtained by a CATV broadcasting business operator or satellite broadcasting business operator under the previous provisions shall, only for one year after the date on which this Act enters into force, be deemed to be obtained by the said foreign broadcasting business operator under the amended provisions of Article 78-2: Provided, That this shall not apply when such approval is revoked under the amended provisions of Article 78-2 (5).