

ENFORCEMENT DECREE OF THE PROTECTION OF MILITARY BASES AND INSTALLATIONS ACT

Presidential Decree No. 21025, Sep. 22, 2008
Amended by Presidential Decree No. 21590, Jun. 30, 2009
Presidential Decree No. 21807, Nov. 2, 2008
Presidential Decree No. 21826, Nov. 17, 2009
Presidential Decree No. 22449, Oct. 14, 2010

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Protection of Military Bases and Installations Act as well as matters necessary for the enforcement thereof.

Article 2 (Military Installations)

“Other installations reserved directly for military use” in subparagraph 2 of Article 2 of the Protection of Military Bases and Installations Act (hereinafter referred to as the “Act”) means anti-aircraft defense facilities, communication facilities for military use, ports for military use, and facilities for research, production, and storage of war equipment and goods.

Article 3 (Commanders of Jurisdictional Unit and Commanders of Managerial Unit)

(1) “Commander of a unit determined by Presidential Decree” in subparagraph 14 of Article 2 of the Act means one in any of the following subparagraphs:

1. In the army, commanders equivalent to brigadiers and above;
2. In the navy, commanders equivalent to flotilla commanders and above:
Provided, That in cases of the Marine Corps, commanders equivalent to regimental commanders and above; and
3. In the air force, commanders equivalent to flight commanders or brigadiers and above, or independent flotilla commanders.

(2) “Commander of a unit determined by Presidential Decree” in subparagraph 15 of Article 2 of the Act means one in any of the following subparagraphs:

1. The commander of a unit equivalent to the head of a depot and above who protects and manages explosive-related facilities;
2. The commander of a unit who protects and manages air support operations bases, exclusive helicopter operations bases and reserve air operations bases; and
3. The commander of a unit who protects and manages military telecommunications bases.

(3) When the commander of the jurisdictional unit under paragraph (1) is not clearly distinguished from the commander of the managerial unit under paragraph (2), the Minister of National Defense may designate the commander of the jurisdictional unit or the commander of the managerial unit from among those who fall under any subparagraph of paragraph (1) or any subparagraph of paragraph (2).

Article 4 (Proposition, etc. on Designation of Military Bases and Installation Protection Zones, etc.)

(1) In cases where the Chairperson of the Joint Chiefs of Staff (hereinafter referred to as the "JCS Chairman") proposes the designation, modification or cancellation (hereinafter referred to as "designation, etc.") of a military base and installation protection zones (hereinafter referred to as "protection zone"), the Civilian Control Line, a flight safety zone or an anti-aircraft defense coordination zone (hereinafter referred to as "protection zone, etc.") to the Minister of National Defense under Article 4 (1) of the Act, he/she shall make such proposition, clearly stating the grounds therefor, the commander of the jurisdictional unit or the commander of the managerial unit (hereinafter referred to as the "commander of the jurisdictional unit, etc.") and indicating the protection zone, etc. in a land registration map, topographical map showing the record of land registration, or hydrographic chart (hereinafter referred to as "topographical map, etc.>").

(2) In cases where the Minister of National Defense notifies the head of the relevant administrative organ of the designation, etc. of a protection zone, etc. under Article 4 (4) of the Act, he/she shall notify its name, location, area, grounds for designation, etc., anticipated date of announcement, and topographical map, etc.

Article 5 (Areas to be Designated as Protection Zones and Civilian Control Line, etc.)

(1) "Areas in conformity with the criteria set by Presidential Decree" in the proviso to Article 5 (1) 1 (a) of the Act means areas falling under

any of the following subparagraphs:

1. Areas which a state organ intends to develop through designation in order to build a foundation for unification or an area necessary for the promotion of exchange and joint projects between South and North Korea;
2. Settlement areas determined by the head of the relevant administrative organ in consultation with the commander of the jurisdictional unit, etc. concerned;
3. Security tourism areas developed by a state organ or a local government to encourage people's sense of national security and determined by the head of the relevant administrative organ in consultation with the commander of the jurisdictional unit, etc. concerned;
4. Areas in which a large-scale development project is planned for key national industries or regional and social development; and
5. Other areas deemed by the commander of the jurisdictional unit, etc. to exert slight and insignificant influence over operations.

(2) The term "areas in conformity with the criteria set by Presidential Decree" in the proviso to Article 5 (1) 2 (a) of the Act means areas falling under any of the following subparagraphs:

1. Settlement areas that the head of the relevant administrative organ determines in consultation with the commander of the jurisdictional unit, etc. concerned;
2. Areas that the Minister of Land, Transport and Maritime Affairs designates as a development promotion district under Article 9 (1) of the Balanced Regional Development and Support for Local Small and Medium Enterprises Act in consultation with the Minister of National Defense; and
3. Other areas that the commander of the jurisdictional unit, etc. deems not to interfere with operations.

(3) The area of a protection zone in a naval port under Article 5 (3) of the Act shall be as mentioned in annexed Table 1.

(4) Protection zones and Civilian Control Line under Article 5 (4) of the Act shall be demarcated in conformity with the criteria in each of the following subparagraphs. In such cases, the Minister of National Defense may, if necessary for the designation of the line of demarcation, demand relevant data from the head of the relevant administrative organ, and

the head of the relevant administrative organ shall comply with such demand:

1. The line of demarcation of protection zones and Civilian Control Line shall be designated, using the line of demarcation of land registration, lines of demarcation of areas, districts and zones under other Acts, roads, rivers, forests and fields, and other natural or artificial features on land on condition that, in cases necessary for military operations or safety in the protection zone concerned, a specific distance from the standard line of the area to be designated as the protection zone concerned may be designated as a line of demarcation; and
2. The line of demarcation of the waters shall, notwithstanding subparagraph 1, be designated with longitudinal and latitudinal references.

Article 6 (Location of Air Operations Bases by Type)

The location of air operations bases by type under Article 6 (2) of the Act shall be as provided for in annexed Table 2.

Article 7 (Public Notice and Sign of Protection Zones, etc.)

(1) The Minister of National Defense shall, when he/she makes public notice of a protection zone, etc. under Article 8 (1) of the Act, make such notification under Article 8 of the Framework Act on the Regulation of Land Use: *Provided*, That in cases deemed necessary, he/she may have the commander of the jurisdictional unit, etc. concerned make such notification.

(2) The Minister of National Defense shall, when he/she intends to install a sign for a protection zone under Article 8 (2) of the Act, have a sign (referring to a marking or stone landmark) as provided for in annexed Table 3 installed in a place easily visible to the general public.

(3) With respect to protection zones in waters, the Minister of National Defense shall, notwithstanding paragraph (2), have the commander of the jurisdictional unit, etc. install red buoys one meter in diameter at intervals of 50 meters along the boundary line outside such zones.

Article 8 (Application for Permission for Acts in Protection Zone, etc.)

(1) Any person who intends to obtain permission for entry into a protection zone for the purpose of dwelling or farming under the main sentence of Article 9 (1) 1 of the Act shall submit an application to obtain permission of the commander of the jurisdictional unit, etc. or the commander of the army post having jurisdiction over his/her place of residence through the

head of the *Eup/Myeon/Dong* having jurisdiction over his/her place of residence.

(2) Any person who intends to obtain permission under Article 9 (1) 3, 7, 8, 11 or 12 of the Act shall submit an application to the commander of the jurisdictional unit, etc. through the head of the relevant administrative organ.

(3) The commander of the jurisdictional unit, etc. (in cases falling under paragraph (1), including the commander of an army post) who has received an application for permission under paragraph (1) or (2) shall determine whether to grant permission, and notify the applicant of the result of such determination through the head of the relevant administrative organ (in cases falling under paragraph (1), referring to the head of an *Eup/Myeon/Dong*).

(4) A person who intends to enter a controlled protection area or a military base and installation installed with fences or entry control markers due to grounds, such as a visit to his/her ancestral graves, visit, tour, construction works, etc., other than the causes under paragraph (1) or (2), may submit an application for permission for entry directly to the commander of the jurisdictional unit, etc. or the commander of an army post, and the commander of the jurisdictional unit, etc. or the commander of the army post who has received such application shall determine whether to grant permission and notify the applicant of the result thereof without delay.

(5) Necessary matters concerning applications for permission for entry, etc. to a protection zone, other than the matters provided for in paragraphs (1) through (4), shall be determined by Ordinance of the Ministry of National Defense.

(6) The term “areas determined by Presidential Decree” in the proviso to the main body of Article 9 (1) 1 of the Act means the areas in each of the following subparagraphs:

1. Controlled protection zones north of the Civilian Control Line, which fall under each subparagraph of Article 5 (1) and are passages that the Minister of National Defense or the commander of the jurisdictional unit, etc. designates for entry; and
2. Controlled protection zones south of the Civilian Control Line, which are not installed with fences or entry control markers.

(7) The term “matters determined by Presidential Decree” in the proviso to Article 9 (1) 2 of the Act means public projects that a state organ or a local government performs in consultation with the Minister of National Defense or the commander of the jurisdictional unit, etc.

Article 9 (Detailed Criteria for Restricted Acts, etc. in Protection Zones)

Detailed criteria for restricted acts, etc. in protection zones under Article 9 (1) of the Act shall be as provided for in annexed Table 4.

Article 10 (Detailed Criteria for Restricted Acts, etc. in Flight Safety Zones)

Detailed criteria for restricted acts, etc. in flight safety zones under Article 10 (1), (4) and (5) of the Act shall be as provided for in annexed Table 5.

Article 11 (Measures, etc. against Obstacles, etc.)

(1) The commander of the jurisdictional unit, etc. shall, when he/she intends to remove or take away obstacles, etc. personally under Article 11 (3) of the Act, request the head of the relevant administrative organ to place a notice of the matters in each of the following subparagraphs on the bulletin board of the administrative organ for seven days in advance: *Provided*, That the same shall not apply to cases where causes, such as imminent danger, exist or such obstacles are deemed to have no property value:

1. The kind and details of the obstacles;
2. The location of the obstacles; and
3. Anticipated date and time on which such obstacles are to be removed or taken away.

(2) A person who, in compliance with the order of the commander of the jurisdictional unit, etc. to install aerial obstruction lights and daytime obstruction beacons under Article 11 (4) of the Act, has installed them and intends to claim for the reimbursement of expenses incurred therefrom, shall submit an application for the reimbursement of expenses incurred in annexed Form No. 1, attaching thereto a statement of such expenses.

(3) The commander of the jurisdictional unit, etc. who has received an application for the reimbursement of expenses incurred under paragraph (2) shall report it to the Minister of National Defense through the channel of command and reimburse the expenses incurred to the applicant.

Article 12 (Modification, etc. of Anchorage)

When the commander of the jurisdictional unit, etc. intends to designate or modify an anchorage, or take necessary measures, such as the enforcement of evacuation, under Article 12 (2) of the Act, he/she shall,

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unless urgent grounds exist for military purposes, order the captain of

the relevant ship to conduct necessary acts, such as modification or evacuation of the anchorage in advance, and take necessary measures, only in cases where he/she fails to fulfill such order.

Article 13 (Consultation on Dispositions by Administrative Organs, etc.)

(1) When the head of the relevant administrative organ intends to grant permission or other dispositions for matters falling under Article 13 (1) or (2) of the Act (hereinafter referred to as “permission, etc.”) or intends to conduct such acts personally, the head of a central administrative organ and the head of other administrative organs shall consult with the Minister of National Defense and the commander of the jurisdictional unit, etc., respectively. In such cases, the procedure for and method of consultation and criteria for consultation in protection zones having explosives-related military installations shall be determined by Ordinance of the Ministry of National Defense.

(2) With respect to the military bases and installations of foreign armed forces stationed in the Republic of Korea, a consultation on matters falling under Article 13 (1) and (2) of the Act in protection zones, etc. shall comply with paragraph (1) on condition that the commander of the jurisdictional unit, etc. deal with such matters in consultation with the commander of a unit of the foreign armed forces managing such installations.

(3) “Matters determined by Presidential Decree” in the proviso to the main body of Article 13 (1) of the Act means matters falling under any of the following subparagraphs: *Provided*, That in cases falling under subparagraph 1, 2 or 7, the same shall not apply inside a protection zone having controlled protection zones and explosives-related military installations: *⟨Amended by Presidential Decree No. 21826, Nov. 17, 2009⟩*

1. Remodelling, reconstruction and extensive repair of existing buildings and structures;
2. Construction of temporary buildings under Article 15 (5) of the Enforcement Decree of the Building Act: *Provided*, That it shall be limited to facilities easily destructible by fire or physically removable in areas within a 500-meter radius from the frontline of a battle position;
3. Thinning of forests, selective felling of trees, and felling of damaged trees;
4. Felling of trees, etc. under Article 36 (4) of the Creation and Management of Forest Resources Act;

5. Projects to improve agricultural production infrastructure, such as readjustment of arable land, improvement of water supplies, and improvement, repair and dredging of agricultural production infrastructure under subparagraph 5 (b) of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act;
6. Installation of private graves under Article 14 (1) 1 of the Funeral Services, etc. Act; and
7. Acts subject to report under Articles 14 (1) and 16 (2) of the Building Act and modification of use of buildings subject to report under Article 19 (2) 2 of the same Act.

(4) “Specific height determined by Presidential Decree” in Article 13 (2) 2 of the Act means the height of horizontal line of sight within the range of anti-aircraft firearms deployed at an anti-aircraft position within an anti-aircraft coordination zone.

(5) The head of the relevant administrative organ who intends to make a request for reconsultation under Article 13 (5) of the Act shall make such request, stating the grounds therefor.

(6) A party to permission, etc. who intends to request the head of the relevant administrative organ to reconsult with the Minister of National Defense and the commander of the jurisdictional unit, etc. under Article 13 (6) of the Act shall make such request, stating the grounds therefor.

Article 14 (Entrustment, etc. of Duty of Consultation in Protection Zones, etc.)

(1) “Specific protection zones determined by Presidential Decree” in the main sentence of Article 14 (1) of the Act means areas falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 21590, Jun. 30, 2009; Presidential Decree No. 22449, Oct. 14, 2010>*

1. Protection zones in urban areas under subparagraph 1 of Article 6 of the National Land Planning and Utilization Act: *Provided*, That protection zones under Article 5 (1) 2 (e) of the Act, for which terms and conditions of the entrustment of duty of consultation cannot be determined, shall be excluded;
2. Specialized complexes for horticultural production for boosting income of farmers, foresters and fishermen;
3. Areas usable as paddies and dry fields through clearing of forests, riverbeds, etc.;
4. Public waters and reclaimed land thereof under the Public Waters Management and Reclamation Act;

5. The waters outside the limit of maritime operations determined by the Minister of National Defense;
 6. Industrial complexes under subparagraph 5 of Article 2 of the Industrial Sites and Development Act; and
 7. Other areas which exert slight and insignificant influence over operations and in which regional and social development and convenience of residents can be promoted.
- (2) The scope of duty of consultation allowed to be entrusted to the head of the relevant administrative organ under Article 14 (1) of the Act shall be the duty of consultation for permission, etc. for acts falling under any of the following subparagraphs:
1. Construction or expansion of houses and structures;
 2. Afforestation or felling of trees;
 3. Cultivation of land or modification of topography;
 4. Conduct of sea transportation;
 5. Establishment of fishery rights, and capture or collection of aquatic plants and animals;
 6. Collection of minerals, soil, stone or sand; and
 7. The duty of consultation resulting from permission, etc. for the matters under Articles 10 (2) and 13 (2) 1 of the Act within the scope not exceeding the surface altitude of each zone of Flight Safety Zones II through VI.
- (3) When the Minister of National Defense or the commander of the jurisdictional unit, etc. intends to entrust the duty of consultation under Article 13 of the Act to the head of the relevant administrative organ under Article 14 (1) of the Act, he/she shall entrust it personally or according to an application made by the head of the relevant administrative organ on condition that he/she entrust it, determining, in detail, the areas to be entrusted, scope of duty of consultation, height limit of buildings and others, etc., considering topographical conditions, elements to affect the smooth conduct of military operations, fairness to neighboring units, etc. in a comprehensive manner and marking or indicating them on a topographical map, etc. and relevant documents.
- (4) The head of the relevant administrative organ to whom the duty of consultation under paragraph (3) have been entrusted shall keep topographical maps, etc. or relevant documents, etc. in which the details of entrusted matters are stated and enable interested persons to inspect them,

and shall grant permission, etc. within the scope entrusted and notify the commander of the jurisdictional unit, etc. of the result thereof on a quarterly basis.

Article 15 (Organization and Operation of Deliberation Committee on Protection of Military Bases and Installations of Ministry of National Defense)

(1) The Vice Minister of the National Defense shall become the chairperson of the Deliberation Committee on the Protection of Military Bases and Installations of the Ministry of National Defense (hereinafter referred to as the “Deliberation Committee of the Ministry of National Defense”) under Article 15 (1) of the Act, and those in each of the following subparagraphs shall become its members:

1. A person recommended by the head of an administrative organ related to subject matter for deliberation, from among the Ministry of Unification, Ministry of Public Administration and Security, Ministry for Food, Agriculture, Forestry and Fisheries, Ministry of Environment, Ministry of Land, Transport and Maritime Affairs and relevant local governments; and

2. A relevant public official of the Ministry of National Defense and the Joint Chiefs of Staff, as appointed by the Minister of National Defense.

(2) When the chairperson is unable to perform his/her duty due to inevitable causes, a member appointed by the chairperson in advance shall act on his/her behalf.

(3) Meetings of the Deliberation Committee of the Ministry of National Defense shall be held in the presence of a majority of registered members and pass resolutions by the affirmative vote of a majority of members present.

(4) The Deliberation Committee of the Ministry of National Defense shall have a secretary who is the head of a section in charge of the affairs to protect the military bases and installations of the Ministry of National Defense.

(5) Matters necessary for the operation of the Deliberation Committee of the Ministry of National Defense other than those provided for in paragraphs (1) through (4) shall be determined by the chairperson through resolutions by the Deliberation Committee of the Ministry of National Defense.

Article 16 (Organization and Operation of Deliberation Committee on Protection of Military Bases and Installations of Joint Chiefs of Staff)

(1) The chief director of operations shall become the chairperson of the Deliberation Committee on the Protection of Military Bases and Installations of the Joint Chiefs of Staff (hereinafter referred to as the “Deliberation Committee of the Joint Chiefs of Staff”) under Article 15 (2) of the Act, and persons appointed by the JCS Chairman in consideration of subject matter for deliberation from among those in each of the following subparagraphs shall become its members:

1. A person in the service of the Joint Chiefs of Staff;
2. A person recommended by each Chief of the General Staff of the army, the navy and the air force;
3. The commander or staff of the jurisdictional unit or managerial unit related to subject matter for deliberation; and
4. In cases of deliberating on matters related to Article 10 (5) of the Act, a civil aviation expert (excluding those who have interests in subject matter for deliberation) recommended by the head of a central administrative organ.

(2) The provisions of Article 15 (2) through (5) shall apply *mutatis mutandis* to the operation of the Deliberation Committee of the Joint Chiefs of Staff. In such cases, the “head of a section in charge of the affairs to protect the military bases and installations of the Ministry of National Defense” shall be deemed a “person appointed by the chairperson from among those in charge of the affairs to protect the military bases and installations of the Joint Chiefs of Staff.”

Article 17 (Organization and Operation of Deliberation Committee on Protection of Military Bases and Installations of Jurisdictional Units or Managerial Units)

(1) The vice commander or the chief of staff of the jurisdictional unit or managerial unit shall become the chairperson of the Deliberation Committee on the Protection of Military Bases and Installations of the Jurisdictional Unit or Managerial Unit (hereinafter referred to as the “Deliberation Committee of the Jurisdictional Unit”) under Article 15 (3) of the Act, and a person appointed by the commander of the jurisdictional unit, etc. in consideration of subject matter for deliberation from among those in each of the following subparagraphs shall become its members:

1. The chief of staff of the jurisdictional unit or managerial unit or the commander of a unit under its direct control;

2. The leader or staff of a unit related to subject matter for deliberation;
and

3. A person in charge of the duty of managing state properties of the jurisdictional unit or managerial unit.

(2) The Deliberation Committee of the Jurisdictional Unit may, if it deems necessary for subject matter for its deliberation, consider the opinions of relevant administrative organs or interested persons.

(3) The provision of Article 15 (2) through (5) shall apply *mutatis mutandis* to matters concerning the operation of the Deliberation Committee of the Jurisdictional Unit other than those provided for in paragraph (2). In such cases, the “head of a section in charge of the affairs to protect the military bases and installations of the Ministry of National Defense” shall be deemed a “person in charge of the affairs to protect the military bases and installations of the jurisdictional unit or managerial unit.”

Article 18 (Establishment, etc. of Basic Plans for Management of Protection Zones, etc.)

(1) The Minister of National Defense shall establish a basic plan for management of protection zones, etc. (hereinafter referred to as “basic plan”) in which the matters in each of the following subparagraphs are contained under Article 16 (1) of the Act:

1. Basic directions for the protection of military bases and installations;
 2. Matters concerning the management of protection zones, etc.;
 3. Matters concerning the designation, modification and cancellation of protection zones, etc.;
 4. Matters concerning compensation for damage in protection zones, etc.;
- and
5. Other matters deemed necessary for the protection of military bases and installations.

(2) The term “important matters determined by Presidential Decree” in the latter part of Article 16 (2) of the Act means matters under paragraph (1) 1, 3, and 4.

(3) The Minister of National Defense shall include guidelines for the establishment of a management plan in the basic plan so as to enable the commander of the jurisdictional unit to establish and promote a management plan of protection zones, etc. of the jurisdictional unit (hereinafter referred to as “management plan”) under Article 16 (3) of the Act.

(4) The commander of the jurisdictional unit shall prepare a management plan in accordance with the guidelines for the establishment of management plans under paragraph (3) and submit it to the Minister of National Defense, and shall make a report of the performance thereof on a yearly basis after implementing it.

Article 19 (Scope of Land Subject to Purchase and Criteria for Determining Land Subject to Purchase)

(1) The scope of land subject to purchase under Article 17 (3) of the Act (hereinafter referred to as “land subject to purchase”) shall be land in zones falling under any of the following subparagraphs:

1. Controlled protection zones under Article 5 (1) 1 (a) of the Act;
2. Protection zones around explosives-related facilities under Article 5 (1) 2 (c) of the Act;
3. Flight Safety Zone I of air operations bases under Article 6 (1) of the Act; and
4. Flight Safety Zone II of air operations bases under Article 6 (1) of the Act.

(2) The criteria for determining land subject to purchase shall be as provided for in each of the following subparagraphs. In such cases, no cause attributable to the applicant for purchase shall exist with respect to the reduction of utility of land, impossibility of profit-making, etc.:

1. Land which has become unusable for its original purpose, resulting in a substantial reduction of its utility: The publicly notified individual land price (referring to a publicly notified individual land price under Article 11 of the Public Notice of Values and Appraisal of Real Estate Act; hereinafter the same shall apply) of the land subject to purchase as of the date of application for purchase is required to be less than 50% of the average publicly notified individual land price of land of the same category in the protection zones, etc. designated in the *Eup/Myeon/Dong* in which the land is located, which resulted from the relevant land becoming unusable in terms of its land classification prior to the designation of the protection zones, etc. (in cases where the applicant for purchase proves that the land was used differently from its land classification on the terrier legitimately prior to the designation of the protection zones, etc. with official materials, its actual use prior to the designation of the protection zones, etc. shall be deemed its land classification); and

2. Land, the use and profit-making of which is actually impossible: The use or profit-making of land concerned is required to be impossible due to restricted acts under Articles 9 and 10 of the Act.

Article 20 (Time and Method of Calculation of Purchase Price and Procedure for Application for Purchase)

- (1) Any person who intends to apply for the purchase of land under Article 17 (1) of the Act shall submit documents required by the Minister of National Defense to the Minister of National Defense or the commander of the jurisdictional unit, etc. In such cases, documents received by the commander of the jurisdictional unit, etc. shall be submitted to the Minister of National Defense without delay.
- (2) The Minister of National Defense shall, when he/she receives an application for purchase under paragraph (1), determine whether the relevant land falls within the scope of land subject to purchase and meets the criteria for determining land subject to purchase under Article 19, and notify the applicant for purchase of whether to purchase it and estimated purchase price directly or through the commander of the jurisdictional unit, etc. within one year from the date on which he/she received such application for purchase.
- (3) An estimated purchase price under paragraph (2) shall be a publicly notified individual land price at the time of application for purchase.
- (4) The Minister of National Defense shall, when he/she has notified the applicant for purchase that his/her land falls within the scope of land subject to purchase under paragraph (2), purchase it within five years, establishing a purchase plan.
- (5) The Minister of National Defense shall, when he/she intends to purchase land subject to purchase in accordance with a purchase plan under paragraph (4), entrust the appraisal of land to not less than two appraisal business operators under subparagraph 9 of Article 2 of the Public Notice of Values and Appraisal of Real Estate Act to determine its purchase price and notify the applicant for purchase thereof. In such cases, the Minister of National Defense shall notify the applicant for purchase of the fact of entrusting the appraisal 30 days prior to the entrustment of the appraisal.
- (6) The purchase price under paragraph (5) shall be the arithmetical average of the values appraised by not less than two appraisal business operators

in consideration of the fluctuating matters in each of the following subparagraphs for the period from the base date of notification to the date on which payment to the applicant for purchase is intended to be made and based on the publicly notified land price of the reference land (referring to the publicly notified land price of the reference land under subparagraph 5 of Article 2 of the Public Notice of Values and Appraisal of Real Estate Act; hereinafter the same shall apply) at the time of application for purchase:

1. Location, shape, environments and status of use of land concerned:
and
2. Fluctuation ratio of land prices surveyed by the Minister of Land, Transport and Maritime Affairs under Article 125 (1) of the Enforcement Decree of the National Land Planning and Utilization Act and the increase rate of producer prices.

(7) In cases where the highest appraised value from among the values appraised by appraisal business operators under paragraph (6) exceeds 110% of the lowest appraised value, the Minister of National Defense may entrust the appraisal of land to not less than two other appraisal business operators.

(8) In cases where the Minister of National Defense has established a purchase plan under paragraph (4), he/she may, if he/she deems necessary, have the commander of the jurisdictional unit, etc. over a protection zone, etc. in which land subject to purchase is located, conduct the business of purchase under paragraphs (5) through (7). In such cases, the Minister of National Defense shall notify the applicant for purchase of such fact without delay.

Article 21 (Method of and Procedure for Calculation of Compensation of Losses)

(1) A person who intends to claim for compensation of a loss under Article 20 of the Act shall submit an application for payment of damages in annexed Form No. 2 to the Minister of National Defense or the commander of the jurisdictional unit, etc., attaching thereto a statement of losses and materials to verify his/her property loss. In such cases, documents received by the commander of the jurisdictional unit, etc. shall be submitted to the Minister of National Defense without delay.

(2) In cases where the Minister of National Defense has received an

application for payment of damages under paragraph (1), he/she shall consult with the applicant on the amount of damages payable: *Provided*, That in cases deemed necessary, he/she may have the commander of the jurisdictional unit, etc. consult with the applicant.

(3) The Minister of National Defense or the commander of the jurisdictional unit, etc. may, if necessary to determine the amount of damages, consider the opinions of appraisers, persons for reference, or interested persons.

Article 22 (Raising Objections)

(1) A person who intends to raise an objection under Article 21 (1) of the Act shall submit an application for raising objections determined by Ordinance of the Ministry of National Defense to the Minister of National Defense or to the commander of the jurisdictional unit, etc.

(2) In cases where the Minister of National Defense or the commander of the jurisdictional unit, etc. who has examined an application for raising objections submitted under paragraph (1) deems that such application is unsatisfactorily prepared or needs to be supplemented, he/she may request the applicant to supplement it.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Repeal of other Acts and Subordinate Statutes)

The Enforcement Decree of the Protection of Military Installations Act, the Enforcement Decree of the Naval Bases Act, and the Enforcement Decree of the Military Air Bases Act shall each be repealed.

Article 3 (General Transitional Measures)

(1) Dispositions issued, procedures taken, and other acts conducted under the former Enforcement Decree of the Protection of Military Installations Act, Enforcement Decree of the Naval Bases Act, and Enforcement Decree of the Military Air Bases Act at the time when this Decree enters into force shall be deemed to have been issued, taken, and conducted under this Decree.

(2) Dispositions issued, procedures taken, and other acts conducted under the Enforcement Decree of the Military Telecommunications Act at the time this Decree enters into force shall be deemed to have been issued, taken, and conducted under this Decree.

Article 4 Omitted.

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ADDENDA *〈Presidential Decree No. 21590, Jun. 30, 2009〉*

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2009. (Proviso Omitted.)

Articles 2 through 9 Omitted.

ADDENDA *〈Presidential Decree No. 21807, Nov. 2, 2009〉*

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA *〈Presidential Decree No. 21826, Nov. 17, 2009〉*

Article 1 (Enforcement Date)

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

Article 2 (Applicability)

The revised provisions of Article 13 (3) shall also apply to cases for which application for approval or declaration form have been submitted regarding activities falling under Article 13 (3) 1, 2, or 7.

ADDENDA *〈Presidential Decree No. 22449, Oct. 14, 2010〉*

Article 1 (Enforcement Date)

This Decree shall enter into force on October 16, 2010.

Articles 2 through 5 Omitted.

the Acts and subordinate statutes translated into English herein shall not be construed as having official authority, Ministry of National Defence and the Korea Legislation Research Institute shall bear no legal responsibility for the accuracy of such translation, and in case of any divergence of interpretation of the Korean and English version thereof, the Korean version shall apply(국방부 및 한국법제연구원은 번역된 문장의 정확성에 대하여 법적으로 책임을 지지 아니하며 한글법령과 영문법령 간에 의미상의 차이가 발생하는 경우에는 한글법령이 정하는 바에 의한다.)