



International Atomic Energy Agency

# INFORMATION CIRCULAR

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**COMMUNICATION OF 4 OCTOBER 1995 RECEIVED FROM  
THE PERMANENT MISSION OF THE REPUBLIC OF KOREA  
TO THE INTERNATIONAL ATOMIC ENERGY AGENCY**

1. The Director General of the International Atomic Energy Agency has received a letter of 4 October 1995 from the Permanent Mission of the Republic of Korea providing information on the nuclear export policies and practices of the Government of the Republic of Korea.
2. In the light of the request expressed in the letter, the text of the letter and its enclosure are attached hereto.

**TEXT OF THE LETTER OF 4 OCTOBER 1995  
FROM THE PERMANENT MISSION OF REPUBLIC OF KOREA**

The Resident Representative of the Permanent Mission of the Republic of Korea presents its compliments to the Director General of the International Atomic Energy Agency and has the honour to provide information on its Government's nuclear export policies and practices.

The Government of the Republic of Korea has decided that, when considering the transfer of nuclear material, equipment and related technology including nuclear-related dual-use equipment, material and related technology, it will act in accordance with the provisions of INFCIRC/254/Rev.1/Part 1, INFCIRC/254/Rev.1/Part 1/Mod.1, INFCIRC/254/Rev. 1/Part 1/Mod.2, INFCIRC/254/Rev. 1 /Part 1/Mod.3 and INFCIRC/254/Rev. I /Part 2 as amended, as well as guidelines and their annexes as revised in the Nuclear Suppliers Group Plenary Meeting held in Helsinki in April 1995. The attached document is the summary of the domestic export control system of the Republic of Korea revised and publicized on 28 August 1995.

In reaching this decision, the Government of the Republic of Korea is fully aware of the need to contribute to economic development while avoiding contributing in any way to the dangers of a proliferation of nuclear weapons or other nuclear explosive devices, and of the need to remove non-proliferation assurances from the fields of commercial competition.

The Government of the Republic of Korea hopes that other governments may also decide to base their own export policies regarding the transfer of nuclear material, equipment and related technology, including nuclear-related dual-use equipment, material and related technology, upon those documents.

The Government of the Republic of Korea requests that the Director General of the International Atomic Energy Agency circulate the text of this letter and the attached document to all Member States for their information and as a demonstration of support by the Government of the Republic of Korea for the Agency's non-proliferation objectives and safeguards activities.

The Resident Representative of the Permanent Mission of the Republic of Korea avails itself of this opportunity to renew to the Director General of the International Atomic Energy Agency the assurances of its highest consideration.

Vienna, 4 October 1995

## **Korea's New Export Control System**

The Korean government has revised its current export control regulations to adhere to the guidelines of the NSG (including the Zangger Committee), MTCR and AG.

The revision was made possible through the work of a special research task force established by the Korean government which during the last ten months has been studying the guidelines, regulations and actual operation of export control by the various non-proliferation regimes and their member countries. As a result of such efforts made by the Korean government and cooperation rendered by the member countries of the various non-proliferation regimes, the current Public Notice on Export and Import of Strategic Commodities ("Public Notice"), which was enacted on July 1, 1993 and set forth COCOM-compatible control in Korea, has been amended to provide for control of the items covered by the non-proliferation regimes in accordance with their guidelines. Guidelines set forth in the new Public Notice are identical to those of each non-proliferation regime. Furthermore, guidelines of the NSG and MTCR are also attached to the new Public Notice as an integral part of it for its supplementation.

The new Public Notice was publicized on August 28, 1995 and enters into force on October 1, 1995 after necessary measures have been taken to acquaint private companies and custom houses with the new system. The following is a summary of the amended new Public Notice.

### **1. Expansion of Controlled Items**

The coverage of items subject to export control under the new Public Notice has been expanded to include items currently controlled by the NSG, MTCR, and AG under the following scheme:

A. Items controlled by the former COCOM (Industrial items, munitions, nuclear items)

These items remain the same as in the old Public Notice.

B. Items controlled by the NSG and the Zangger Committee

In principle, export or re-export of these items is allowed only when they are used for peaceful purposes. The following criteria will be considered when approving export of controlled items:

- Whether the importing country is a signatory party to the NPT and the IAEA full-scope safeguards agreement;
- Whether the importing country is operating, designing, or constructing facilities such as heavy water production plants or reprocessing plants;

- Whether the item to be exported is intended to be used in R & D, design, construction, or maintenance activities of enrichment and reprocessing facilities;
- Whether the measures and policies of the government of the importing country are in compliance with international non-proliferation obligations;
- Whether the importing country is engaged in clandestine and illegal procurement of controlled items.

In the case of export trigger list items, export will be approved when the following conditions are met:

- Official assurance by the government of the importing country that the item will not be used for developing nuclear explosion devices;
- Arrangements on shipping, packaging, and protection level with the importing country and their implementation;
- Implementation of full-scope safeguards agreement with IAEA;
- Assurance by the government of the importing country that it will request ex-ante approval for re-exporting from the Korean government, etc.

Requirements for export approval of nuclear-related dual-use items are as follows:

- End-use certificates certifying that the item will not be used for nuclear explosion activities or nuclear fuel cycling activities not covered by IAEA's safeguards measures;
- Assurance by the government of the importing country that it will request ex-ante approval for re-exporting from the Korean government, etc.

#### C. Items controlled by the MTCR

In principle, export of those items will be allowed only when the item is not used for the development of unmanned delivery vehicles of weapons of mass destruction. The following criteria will be considered when approving export of controlled items:

- Concerns about the proliferation of weapons of mass destruction;
- The capabilities and objectives of missile and space programs of the recipient state;
- Potential to develop unmanned delivery vehicles of weapons of mass destruction of the importing country;

Assessment of the end use of the transfer, etc.

Formal assurance by the government of the importing country is required for export approval of these items.

D. Items controlled by the AG

In principle, export of these items will be allowed only when the item is used for peaceful purposes in the chemical and biological industries of the importing country.

The status of related industries of the importing country and end use will be considered in approving export of these items.

**2. Revision of Controlled Areas**

Controlled areas under the former COCOM are maintained as in the old Public Notice.

Controlled areas under the NSG, MTCR, and AG are classified under the following categories:

- A. Member countries of each non-proliferation regime;
- B. Non-member countries; and
- C. Countries which are deemed to intend to develop weapons of mass destruction or countries which threaten international peace and foster regional conflicts.

Export of controlled items to countries in category C is prohibited in principle. Control of export of strategic commodities to these countries will be implemented in close consultation with the non-proliferation regimes and their member countries.

**3. Authorities Responsible for Export Control and Inter-Agency Coordination**

The following Korean government ministries have the authority over and are responsible for approving exports of controlled items depending on their category.

A. Ministry of Trade, Industry and Energy:

Industrial dual-use items, nuclear dual-use items, missile items traded for non-military purpose, chemical and biological weapon items transferred to the civilian industry sector.

B. Ministry of Science and Technology:

Nuclear items covered by the former COCOM; items controlled by NSG Part I, and strategic technology.

C. Ministry of Defense:

Items of the munitions list of the former COCOM, items covered by the MTCR and AG which are transferred to the military sector.

In approving export of strategic technology the Ministry of Science and Technology has to consult with the Ministry of Trade, Industry and Energy. Each Ministry has to consult with the Ministry of Foreign Affairs in case the export is made to diplomatically sensitive countries. Korea Customs Service is in charge of enforcing export and import control at the customs level.

A standing inter-agency consultative meeting (the Council on Export and Import Control of Strategic Commodities and Technical Data) is operated to review changes in the export control regulations. This consultative body has established a Working Committee and four specialized sub-committees composed of government officials and experts from the industry, research institutes, and academic sector corresponding to each non-proliferation regime for a more effective operation of Korea's export control system.

In addition, the Ministry of Trade, Industry and Energy is operating a permanent civil advisory committee for technical analysis of specifications and performances in the related items. The Ministry also makes use of technical experts working in other governmental agencies or research institutes on an *ad hoc* basis.

#### **4. License Types and Procedures**

All controlled items require an individual export permit per transaction.

General export blanket permits may be granted to qualified exporters who export non-sensitive items to the member countries of the various non-proliferation regimes.

Specific blanket export permits may be granted to exporters that have established internal control systems and have made more than five export transactions during the previous year.

Review and examination procedures for export approval and the documents required therefore are in line with the guidelines established by the various non-proliferation regimes and their members countries.