

ENFORCEMENT DECREE OF THE SPECIAL ACT ON THE DIGITIZATION OF TERRESTRIAL TELEVISION BROADCASTING AND THE PROMOTION OF DIGITAL BROADCASTING

Presidential Decree No. 20920, Jul. 17, 2008
Amended by Presidential Decree No. 21725, Sep. 10, 2009
Presidential Decree No. 22075, Mar. 15, 2010
Presidential Decree No. 22366, Sep. 1, 2010
Presidential Decree No. 22550, Dec. 27, 2010
Presidential Decree No. 24012, Jul. 31, 2012
Presidential Decree No. 24445, Mar. 23, 2013

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Special Act on the Digitalization of Terrestrial Television Broadcasting and the Activation of Digital Broadcasting and matters necessary for the enforcement thereof.

Article 2 (Public Institutions)

"Institution prescribed by Presidential Decree" in subparagraph 8 of Article 2 of the Special Act on the Digitalization of Terrestrial Television Broadcasting and the Activation of Digital Broadcasting (hereinafter referred to as the "Act") means the Korea Radio Promotion Association under Article 66-2 (1) of the Radio Waves Act.

Article 3 (Scope of Related Central Administrative Agencies, etc.)

(1) "Related central administrative agencies prescribed by Presidential Decree" in Articles 3 (1), 9, 10 (1), 11 (1) and 13 (1) of the Act means the following central administrative agencies: <Amended by Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 24445, Mar. 23, 2013>

1. The Ministry of Strategy and Finance;
2. The Ministry of Security and Public Administration;
3. The Ministry of Culture, Sports and Tourism;

4. The Ministry of Trade, Industry and Energy;
 5. The Ministry of Health and Welfare;
 6. The Ministry of Environment;
 7. The Ministry of Land, Infrastructure and Transport.
- (2) "Related public institutions prescribed by Presidential Decree" under Article 3 (3) of the Act means public institutions under subparagraph 8 of Article 2 of the Act.

Article 4 (Formulation of Yearly Implementation Plans)

(1) "Public institutions prescribed by Presidential Decree" under Article 3 (4) of the Act means the following institutions:

1. The Korea Radio Promotion Association under Article 2;
2. Central administrative agencies referred to in each subparagraph of Article 3 (1);
3. Local governments.

(2) The head of each related central administrative agency under each subparagraph of paragraph (1) shall formulate an implementation plan for the following year by the end of September every year and notify the Minister of Science, ICT and Future Planning of such implementation plan for deliberation by the Digital Broadcasting Promotion Committee under Article 4 (1) of the Act (hereinafter referred to as the "Promotion Committee"). In such cases, the head of each local government shall submit its implementation plan to the Minister of Security and Public Administration, and the Minister of Security and Public Administration shall integrate and adjust implementation plans of all local governments and notify the Minister of Science, ICT and Future Planning of such implementation plans. *<Amended by Presidential Decree No. 24445, Mar. 23, 2013>*

(3) Each implementation plan under paragraph (2) shall include the following:

1. Direction for promotion and objectives of each project pursuant to a basic plan for activation of digital broadcasting under Article 3 (1) of the Act (hereinafter referred to as "basic plan");
2. A period of implementation of each project;
3. Details of a project to be pursued by the relevant agency;
4. A plan to raise and disburse funds;
5. Matters concerning the improvement of systems necessary for the pursuit of projects;
6. Other matters necessary for the transition of terrestrial television broadcasting to digital broadcasting and the activation of digital broadcasting.

(4) Upon being notified of implementation plans pursuant to paragraph (2), the Minister of Science, ICT and Future Planning shall notify the head of each relevant public agency of the results of deliberation by the Promotion Committee by the end of December. *<Amended by Presidential Decree No. 24445, Mar. 23, 2013>*

Article 5 (Composition of Promotion Committee)

(1) "Public officials of related central administrative agencies prescribed by Presidential Decree" in Article 4 (3) of the Act means the following persons: <Amended by Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 24445, Mar. 23, 2013>

1. The Vice Minister of Strategy and Finance nominated by the Minister of Strategy and Finance;
2. The Vice Minister of Security and Public Administration nominated by the Minister of Security and Public Administration;
3. The Vice Minister of Culture, Sports and Tourism nominated by the Minister of Culture, Sports and Tourism;
4. The Vice Minister of Trade, Industry and Energy nominated by the Minister of Trade, Industry and Energy;
5. The Vice Minister of Health and Welfare;
6. The Vice Minister of Environment;
7. The Vice Minister of Land, Infrastructure and Transport nominated by the Minister of Land, Infrastructure and Transport;
8. Other public officials of the rank of Vice Minister of related central administrative agencies nominated by the chairperson of the Promotion Committee in relation to matters to be discussed by the Promotion Committee.

(2) "Persons who have profound knowledge and extensive experience in digital broadcasting" in Article 4 (3) of the Act means any of the following persons:

1. A person who majored in the field related to broadcasting, and who holds or held the office of associate professor or higher office in a university or authorized research institution, or who has worked in the position equivalent to such office for at least five years;
2. A person who has worked as judge, public prosecutor or attorney-at-law for at least ten years, and who is deemed to have expert knowledge in Acts and subordinate statutes and systems related to broadcasting;
3. A person who has worked as the representative, executive or employee of an organization or institution related to broadcasting for at least ten years;
4. A person who has been engaged in activities protecting users in the field related to broadcasting for at least ten years;
5. Other persons whose work experience related to broadcasting is deemed to meet criteria referred to in subparagraphs 1 through 4.

Article 6 (Duties of Chairperson of Promotion Committee)

(1) The chairperson of the Promotion Committee (hereinafter referred to as the "Chairperson") shall represent the Promotion Committee and preside over its affairs.

(2) Where the Chairperson is unable to perform his/her duties for inevitable grounds, a member of the Promotion Committee designated beforehand by the Chairperson shall perform the Chairperson's duties on his/her behalf.

Article 7 (Operation of Promotion Committee)

- (1) The Chairperson shall convene meetings of the Promotion Committee and preside over its meetings.
- (2) Where the Chairperson intends to convene a meeting of the Promotion Committee, he/she shall notify, in writing, each member of the Promotion Committee of the date and hour and place of, and agenda for the meeting by five days prior to the holding of the meeting: Provided, That this shall not apply where the meeting must be held urgently or an inevitable ground exists.
- (3) Where the Chairperson deems it necessary to deliberate on a basic plan and its implementation plan, he/she may entrust related experts with survey or research.
- (4) The Promotion Committee shall hold its meeting when the majority of its incumbent members attend the meeting, and pass resolutions with the consent of the majority of the members present.
- (5) In addition to matters provided for in paragraphs (1) through (4), the Chairperson shall prescribe matters necessary for the composition and operation of the Promotion Committee following resolutions at the Promotion Committee.

Article 8 (Hearing of Opinions)

Where the Chairperson deems it necessary to conduct affairs of the Promotion Committee, he/she may require related public officials, experts, broadcasting business operators, etc. to attend meetings of the Promotion Committee and hear their opinions.

Article 9 (Allowances and Travel Expenses)

The Promotion Committee may grant an allowance and reimburse travel expenses to its members who attend its meetings and persons who attend its meetings and state their opinions pursuant to Article 8, within budgetary limits: Provided, That this shall not apply where a public official attends a meeting of the Promotion Committee in direct relation to his/her business.

Article 10 (Composition, etc. of Working Committee)

- (1) The working committee established in the Promotion Committee pursuant to Article 4 (7) of the Act shall be composed of not more than 25 members including one chairperson.
- (2) The Vice Minister of Science, ICT and Future Planning nominated by the Minister of Science, ICT and Future Planning shall be the chairperson of the working committee, and persons commissioned or appointed by the Minister of Science, ICT and Future Planning from among related experts who have expert knowledge and extensive experience in broadcasting and communications and public officials of related central administrative agencies shall be its members. *<Amended by Presidential Decree No. 24445,*

Mar. 23, 2013>

(3) The working committee shall deliberate on the following:

1. Prior review and adjustment of agenda for meetings of the Promotion Committee;
2. Matters delegated to the working committee by the Promotion Committee following its resolutions;
3. Other matters submitted to meetings by the chairperson of the working committee.

(4) Articles 6 through 9 shall apply mutatis mutandis to the operation of the working committee.

Article 10-2 (Date and Time of Termination of Analog Television Broadcasting)

(1) Analog television broadcasting shall terminate at 4:00 a.m., December 31, 2012, pursuant to Article 7 (1) of the Act.

(2) Notwithstanding paragraph (1), the date and time of termination of analog television broadcasting in Uljin-Gun, Gyeongsangbuk-Do, Gangjin-Gun, Jeollanam-Do, Danyang-Gun, Chungcheongbuk-Do and Jeju Special Self-governing Province shall be as follows: Provided, That in cases of analog television broadcasting (only applicable to the Korean Broadcasting System) that broadcasts disasters or civil defense alarms pursuant to Article 40 of the Framework Act on Broadcasting Communications Development, it shall terminate analog television broadcasting on the date and time prescribed and announced by the Minister of Science, ICT and Future Planning within 30 days from the date and time provided in the following: *<Amended by Presidential Decree No. 22550, Dec. 27, 2010; Presidential Decree No. 24012, Jul 31, 2012; Presidential Decree No. 24445, Mar. 23, 2013>*

1. Uljin-Gun, Gyeongsangbuk-Do: At 2:00 p.m., September 1, 2010;
2. Gangjin-Gun, Jeollanam-Do: At 2:00 p.m., October 6, 2010;
3. Danyang-Gun, Chungcheongbuk-Do: At 2:00 p.m., November 3, 2010;
4. Jeju Special Self-governing Province: At 2:00 p.m., June 29, 2010.

(3) The Minister of Science, ICT and Future Planning shall prescribe and announce the scope of broadcasting stations of broadcasting business operators who should terminate analog television broadcasting pursuant to paragraph (2). *<Amended by Presidential Decree No. 24445, Mar. 23, 2013>*

Article 10-3 (Duty to Promote Digital Television Transition and Sanctions)

(1) The Minister of Science, ICT and Future Planning may request terrestrial broadcasting business operators under the Broadcasting Act to submit the following data for the promotion of digital television transition and the protection of rights and interests of viewers pursuant to Article 7-2 (1) 3 of the Act: *<Amended by Presidential Decree No. 24445, Mar. 23, 2013>*

1. Data concerning the proportion of high-definition digital broadcasting programs under Article 5 (1) of the Act;
2. Data concerning the formulation and implementation of a plan to terminate analog television broadcasting pursuant to Article 7 (2) of the Act. In such cases, the plan shall include the building of a broadcasting station to transmit digital broadcasting, public relations and other matters to support

viewers;

3. Data concerning the formulation and implementation of a plan to resolve the poor reception of digital broadcasting and improve the receiving environment thereof under Article 13 (2) of the Act.

(2) The Minister of Science, ICT and Future Planning may impose sanctions according to the following classification pursuant to Article 7-2 (4) of the Act: <Amended by Presidential Decree No. 24445, Mar. 23, 2013>

1. Where a terrestrial broadcasting business operator fails to perform its duty under Article 7-2 (1) 1 and 2 of the Act or satisfy conditions under Article 7-2 (2) of the Act: Measures to make corrections within a fixed period not exceeding six months;

2. Where a terrestrial broadcasting business operator fails to implement measures to make corrections within a period for implementing measures to make corrections under subparagraph 1: Restrictions on the operation or suspension of the operation of the broadcasting station within one month;

3. Where a terrestrial broadcasting business operator fails to implement measures to make corrections within a period of restrictions on the operation or suspension of the operation of the broadcasting station under subparagraph 2: Revocation of permission for the establishment of the broadcasting station.

Article 11 (Public Relations and Support to Viewers for Digital Television Transition)

(1) The Minister of Science, ICT and Future Planning may formulate a plan for public relations through regular fact-finding surveys on the recognition rate of the termination of analog television broadcasting and the penetration rate of digital television sets. <Amended by Presidential Decree No. 24445, Mar. 23, 2013>

(2) The Minister of Science, ICT and Future Planning may request the Korea Broadcast Advertising Corporation under the Korea Broadcast Advertising Corporation Act to produce and distribute public service announcements for public relations concerning digital television transition. <Amended by Presidential Decree No. 24445, Mar. 23, 2013>

(3) The Minister of Science, ICT and Future Planning may request terrestrial broadcasting business operators under the Broadcasting Act to provide necessities for the effective digital transition of terrestrial broadcasting, such as the production of noncommercial public service advertisements, caption advertisements, caption broadcasting and special programs. <Amended by Presidential Decree No. 24445, Mar. 23, 2013>

(4) The Minister of Science, ICT and Future Planning may provide support to viewers, such as consultation about the termination of analog television broadcasting and digital television transition or the provision of related data. <Amended by Presidential Decree No. 24445, Mar. 23, 2013>

(5) The Minister of Science, ICT and Future Planning may subsidize some of expenses incurred in public relations and supporting viewers to a juristic person or organization that provides public relations and support to viewers for the efficient promotion of digital television transition within budgetary limits. <Amended by Presidential Decree No. 24445, Mar. 23, 2013>

Article 11-2 (Households Eligible for Support and Methods of Support Following Digital Television Transition, etc.)

(1) Households eligible for support under Article 10 (2) of the Act shall be households that possess an analog television set only and directly receive analog television broadcasting only, among the following households (referring to individual households under subparagraph 7 of Article 2 of the National Basic Living Security Act; hereinafter the same shall apply): *<Amended by Presidential Decree No. 24445, Mar. 23, 2013>*

1. Households of recipients under subparagraph 1 of Article 2 of the National Basic Living Security Act;
2. Households that possess a television set exempt from a television license fee pursuant to Article 44 (1) 2, 2-2, 8 and 9 of the Enforcement Decree of the Broadcasting Act: Provided, That households of persons falling under the proviso to Article 44 (1) of the Enforcement Decree of the said Act shall be excluded;
3. Other households meeting criteria which the Minister of Science, ICT and Future Planning prescribes because he/she deems it necessary to support such households in consideration of the levels of income and expenses, the current status of assets, the actual conditions of living, characteristics of livelihood, etc. of households. In such cases, the Minister of Science, ICT and Future Planning shall announce criteria for support in consultation with the Minister of Strategy and Finance.

(2) Methods of supporting households eligible for support under paragraph (1) shall meet the following criteria: Provided, That where the Minister of Science, ICT and Future Planning deems it necessary, he/she may additionally provide support for remodeling or repair of receiving antennas or support without compensation: *<Amended by Presidential Decree No. 24445, Mar. 23, 2013>*

1. Where a household does not wish to purchase a digital television set: A device that may convert digital signal to analog signal without compensation shall be provided;
2. Where a household wishes to purchase a digital television set: A subsidy for the household to purchase a digital television set prescribed by the Minister of Science, ICT and Future Planning shall be provided.

(3) Where any household eligible for support under paragraph (1) intends to receive support pursuant to paragraph (2), it shall file an application according to the procedure and method prescribed and announced by the Minister of Science, ICT and Future Planning. *<Amended by Presidential Decree No. 24445, Mar. 23, 2013>*

Article 11-3 (Methods, etc. of Promotion of Support Services)

(1) In order to systematically promote support services under Article 11-2, the Minister of Science, ICT and Future Planning may establish and operate a consultative organization or organization exclusively responsible for support services, or conduct fact-finding surveys on matters necessary for such support.

<Amended by Presidential Decree No. 24445, Mar. 23, 2013>

(2) Where the Minister of Science, ICT and Future Planning deems it necessary to efficiently provide support services under Article 11-2, he/she may request related central administrative agencies and public agencies under Article 3 to provide cooperation, such as the submission of data or public relations of support services. In such cases, any agency requested to provide cooperation shall comply with such request unless extenuating circumstances exist. <Amended by Presidential Decree No. 24445, Mar. 23, 2013>

Article 12 (Imposition of Fines for Negligence)

Criteria for the imposition of fines for negligence under Article 17 (1) of the Act shall be as specified in attached Table.

ADDENDA <Presidential Decree No. 20920, Jul. 17, 2008>

Article 1 (Enforcement Date)

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

Article 2 (Special Cases concerning Formulation of Implementation Plans)

Article 4 (2) and (4) shall not apply to the first implementation plan formulated after this Decree enters into force, but the first implementation plan shall be as separately prescribed by the Promotion Committee.

ADDENDUM <Presidential Decree No. 21725, Sep. 10, 2009>

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

ADDENDA <Presidential Decree No. 22075, Mar. 15, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on March 19, 2010. (Proviso Omitted).

Article 2 Omitted.

ADDENDUM <Presidential Decree No. 22366, Sep. 1, 2010>

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

ADDENDA <Presidential Decree No. 22550, Dec. 27, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 24012, Jul. 31, 2012>

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. 24445, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.



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