

Democratic People's Republic of Korea

Technology Export-Import Law

Adopted by Decision No. 119 of the Standing Committee of the Supreme People's Assembly on June 10, Juche 87 (1998)

Amended and supplemented by Decree No. 507 of the Presidium of the Supreme People's Assembly on March 11, Juche 88 (1999)

Amended and supplemented by Decree No. 1008 of the Presidium of the Supreme People's Assembly on March 9, Juche 105 (2016)

Amended and supplemented by Decree No. 164 of the Presidium of the Supreme People's Assembly on November 20, Juche 108 (2019)

Amended and supplemented by Decree No. 1183 of the Presidium of the Supreme People's Assembly on January 19, Juche 112 (2023)

Article 1 (Purpose of the Technology Export-Import Law)

The Technology Export-Import Law of the Democratic People's Republic of Korea contributes to strengthening the self-reliant national economy and developing science and technology by establishing strict systems and order in technology export and import.

Article 2 (Scope of Application of the Technology Export-Import Law)

This law applies to institutions, enterprises, and organizations that export or import technology export-import items such as inventions, patented technologies, technical know-how, and equipment and components embodying them.

Article 3 (Principles of Encouragement, Restriction, and Prohibition of Technology Export-Import)

The state encourages the export and import of advanced technology items. The import of items that can be researched, developed, and produced domestically, and the export and import of items that may hinder the safety and interests of the state are restricted or prohibited. The items for encouragement, restriction, and prohibition of technology export-import are determined by the central science and technology administrative guidance management agency.

Article 4 (Principle of Compliance with Technology Export-Import Planning and Contract Discipline)

Technology export and import are conducted according to the people's economic plan and contracts. The state ensures that planning and contract discipline in technology export and import are strictly observed.

Article 5 (Exchange and Cooperation in the Field of Technology Export-Import)

The state develops exchange and cooperation with various countries and international organizations in the field of technology export and import.

Article 6 (Relationship with Other Legal Regulations)

Matters not regulated in this law regarding technology export and import shall be governed by the relevant legal regulations.

Article 7 (Technology Export-Import Parties)

Technology export and import are conducted by institutions, enterprises, and organizations that have received business permits from the central trade guidance agency. Institutions, enterprises, and organizations that have received business permits have rights and obligations as technology export-import parties.

Article 8 (Consignment Export-Import)

If institutions, enterprises, and organizations without export-import business categories wish to export or import technology, they may do so by consigning to institutions, enterprises, and organizations that have received business permits for technology export and import.

Article 9 (Priority Right for Technology Export)

Institutions, enterprises, and organizations that have developed technology have export priority rights for that technology if they meet the conditions for technology export.

Article 10 (Technology Export-Import Permit)

Institutions, enterprises, and organizations wishing to export or import technology export-import items must obtain a technology export-import permit (including agreement) from the central science and technology administrative guidance management agency. The central science and technology administrative guidance management agency must ensure scientific and objective standards in technology export-import permits.

Article 11 (Application for Technology Export-Import Permit)

Institutions, enterprises, and organizations seeking technology export-import permits must examine the advanced level, economic effectiveness, and other aspects of the relevant

technology through the technology trade service system, then prepare technology export-import permit application documents and submit them to the central science and technology administrative guidance management agency. The technology export-import permit application documents must specify the country of trade, company name, technology name, and must include attachments such as technology proposals, technology evaluation documents, and copies of intellectual property registration documents.

Article 12 (Review of Technology to be Exported or Imported)

The central science and technology administrative guidance management agency must conduct a review of the technology to be exported or imported within 15 days of receiving the technology export-import permit application documents. The review specifically examines scientific and technological assurance, technical and economic effectiveness, intellectual property registration relationships, confidentiality assurance, export-import feasibility, domestication possibility, usability of domestic raw materials and fuel, technical operational feasibility of equipment, and so on.

Article 13 (Ensuring Necessary Conditions for Review)

The central science and technology administrative guidance management agency may include specialized personnel in the review or request necessary analysis from relevant specialized institutions to review the technology to be exported or imported. Institutions, enterprises, and organizations must respond promptly to the requirements of the central science and technology administrative guidance management agency.

Article 14 (Technology Export-Import Permit and Rejection)

The central science and technology administrative guidance management agency must promptly notify the relevant institutions, enterprises, and organizations of the results through the national electronic trade processing system after reviewing the technology to be exported or imported. If the technology export-import is permitted, a technology export-import permit notification is issued; if rejected, a rejection notification stating the reasons is issued.

Article 15 (Technology Export-Import Agreement)

If the relevant technology has already undergone review or if separate review is not necessary, the central science and technology administrative guidance management agency may provide technology export-import agreement without going through the technology review process within 5 days of receiving the technology export-import permit application documents. The targets for technology export-import agreement are

determined by the central science and technology administrative guidance management agency.

Article 16 (Technology Export-Import Plan)

Institutions, enterprises, and organizations that have received business permits from the central trade guidance agency and technology export-import permits from the central science and technology administrative guidance management agency must receive a technology export-import plan from the state planning agency. The state planning agency must establish technology export-import plans only for items that have received business permits from the central trade guidance agency and technology export-import permits from the central science and technology administrative guidance management agency.

Article 17 (Conclusion and Implementation of Technology Export-Import Contracts)

Relevant institutions, enterprises, and organizations must accurately conclude and implement technology export-import contracts. Important technology export-import contracts must receive prior approval from the central trade guidance agency.

Article 18 (Price Approval)

The central trade guidance agency must provide price approval for items that have received technology export-import permits from the central science and technology administrative guidance management agency and technology export-import plans from the state planning agency.

Article 19 (Fund Disbursement for Technology Export-Import)

Institutions, enterprises, organizations, and relevant trading banks must conduct fund settlements only for items that have received technology export-import permits, technology export-import plans, and price approvals.

Article 20 (Inspection of Technology Export-Import Items)

Customs, export-import product inspection agencies, and relevant agencies must accurately inspect technology export-import items.

Article 21 (Ensuring Accuracy and Promptness in Technology Export-Import Procedures)

The central trade guidance agency, the central science and technology administrative guidance management agency, and relevant institutions, enterprises, and organizations must properly utilize the national electronic trade processing system and technology trade

service system to ensure accuracy and promptness in technology export-import procedures.

Article 22 (Use of Earned Funds)

A certain portion of the funds earned from technology exports shall be used for science and technology development.

Article 23 (Guidance of Technology Export-Import Business)

Guidance of technology export-import business is provided by the central trade guidance agency and the central science and technology administrative guidance management agency under the unified guidance of the Cabinet. The central trade guidance agency and the central science and technology administrative guidance management agency must regularly monitor and guide the work for implementing the state's technology export-import policy.

Article 24 (Supervision and Control of Technology Export-Import Business)

Supervision and control of technology export-import business are conducted by the central trade guidance agency, the central science and technology administrative guidance management agency, and relevant supervisory agencies. The central trade guidance agency, the central science and technology administrative guidance management agency, and relevant supervisory agencies must regularly supervise and control the status of technology export-import and the utilization of imported technology.

Article 25 (Cancellation of Technology Export-Import Permits)

The central science and technology administrative guidance management agency may cancel technology export-import permits if relevant institutions, enterprises, and organizations have violated the order related to technology export-import.

Article 26 (Civil Liability)

If property damages are caused by violating contracts related to technology export-import, the responsible party shall bear civil liability such as compensation for damages, payment of penalties, and late fees.

Article 27 (Fine Penalties)

Fines shall be imposed on relevant institutions, enterprises, and organizations in the following cases:

1. 1,500,000 won if technology is exported or imported without obtaining a technology export-import permit

2. 200,000 to 1,500,000 won if technology is exported or imported inconsistently with the permitted content

Article 28 (Suspension Penalty)

If technology is exported or imported without obtaining a technology export-import permit, the export or import of the relevant technology shall be suspended.

Article 29 (Warning, Severe Warning, Unpaid Labor, Labor Reeducation, Demotion, Dismissal, Removal Penalties)

Depending on the severity, responsible persons shall be subject to warning, severe warning, or up to 3 months of unpaid labor or labor reeducation in the following cases:

1. When economic development is hindered by improper handling of technology export-import permits
2. When technology is exported or imported without obtaining a technology export-import permit
3. When a technology export-import plan is established for items that have not received a technology export-import permit
4. When price approval is given for items that have not received a technology export-import permit
5. When fund settlements are made for items that have not received a technology export-import permit
6. When relevant inspections are conducted and border crossing is allowed for items that have not received a technology export-import permit

If the acts in the preceding paragraph are committed multiple times, penalties of more than 3 months of unpaid labor, labor reeducation, or demotion, dismissal, or removal shall be imposed.

Article 30 (Criminal Responsibility)

If a violation of this law constitutes a crime, criminal responsibility shall be imposed on the responsible person in accordance with the relevant provisions of the Criminal Law.