



社團 韓國海法學會  
法人 KOREA MARITIME LAW ASSOCIATION

서울특별시 종로구 세종대로23길54 세종빌딩 10층  
10th Fl, Sejong Bldg., 54, Sejong-daero 23-gil  
Jongno-gu Seoul 100-724, Korea  
Tel : (02)754-9655 Fax : (02)752-9582  
<http://www.kormla.or.kr> E-mail : [kormla@kormla.or.kr](mailto:kormla@kormla.or.kr)

Dear Mr. Hetherington,

Re: Questionnaire – Pandemic Response – The Effect on Seafarers and  
Passengers at Sea

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Thank you for your letter of 30 September 2015.

We, Korea Maritime Law Association, kindly inform you of our answers to your  
below questions.

1. Is your jurisdiction a member of the World Health Organization?

Yes.

2. Has your jurisdiction given effect under its domestic laws to the International  
Health Regulations (2005)?

The Major parts of the IHR 2005 were incorporated into the Infectious Disease  
Control and Prevention Act of Korea in 2009.

3. Has your jurisdiction ratified the IMO-MLC 2006 Convention?

Yes. The convention was ratified on January 9, 2014 and became effective from  
January 9, 2015.

4. What steps have been taken within your jurisdiction to give effect to the IMO-  
MLC 2006 Convention?

The contents of the convention were incorporated into the Seafarers Act of  
Korea and became effective from February 6, 2015.

5. Has your jurisdiction ratified the IMO Facilitation of Maritime Traffic Convention  
1965( FAL Convention)?

The convention became effective in Korea from May 5, 2001.

6. What steps have been taken within your jurisdiction to give effect to the FAL  
Convention?

No particular steps have been taken since it is believed that the current laws and regulations of Korea meet the standard and recommendations of the convention.

7. Are you aware if your jurisdiction has denied free pratique to a vessel during any of the following pandemics: Avian flu; SARS; Chikungunya or MERS?

A foreigner having any of the above 4 diseases may be prohibited to enter into Korea pursuant to Article 12 of the Immigration Control Act of Korea. However, there is no laws and regulations regarding the denial of free pratique to a vessel related with any of the above 4 diseases.

8. Are you aware if your jurisdiction has taken any steps to establish the care capacities identified in Sections A and B of Annex 1 of the International Health Regulations, and in particular a "national public health emergency response plan" in compliance with the International Health Regulations?

The Minister of Health and Welfare shall formulate and implement a master plan for the prevention and control of infectious diseases every five years and an Infectious Disease Control Committee shall be established under the Ministry of Health and Welfare to deliberate on major policies on the prevention and control of infectious diseases in accordance with the Infectious Disease Control and Prevention Act of Korea.

9. (a) What measures were taken by your jurisdiction during the recent Ebola outbreak?

The Ebola Control Committee was established in April 2014 and reinforced the quarantine procedure.

- (b) Which department of State or organizations in your jurisdiction was responsible for implementing those measures during the recent Ebola outbreak?

The Ministry of Health and Welfare was responsible for it.

- (c) Were maritime administrations within your jurisdiction consulted in relation to decisions taken within your jurisdiction during the Ebola outbreak?

As far as we know, no.

(d) Were those who took decisions in your jurisdiction during the Ebola outbreak aware of the requirements of:

- (i) International Health Regulations 2005; and
- (ii) the Fal Convention 1965 (As Amended); and
- (iii) The ILO MLC 2006 Convention?

Since maritime administration did not participate in or consult with the Ebola Control Committee, we believe that only the IHR 2005 was noted by the decision makers.

(e) Were those making the decisions in your jurisdiction in relation to the Ebola outbreak aware of the potential conflict in the requirements between those Regulations and Conventions.

We believe that they did not know of such potential conflict.

We hope the foregoing is responsive to your queries.

Should you have any question, please do not hesitate to contact us.

Kind regards,



J. H. Choi

President of Korea Maritime Law Association