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## KOREA – MEASURES AFFECTING TRADE IN COMMERCIAL VESSELS (JAPAN)

### REQUEST FOR CONSULTATIONS BY JAPAN

The following communication, dated 6 November 2018, from the delegation of Japan to the delegation of the Republic of Korea, is circulated to the Dispute Settlement Body in accordance with Article 4.4 of the DSU.

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My authorities have instructed me to request consultations with the Government of the Republic of Korea (Korean Government), pursuant to Articles 1 and 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, Articles XVI:1 and XXII:1 of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), and Articles 4, 7, and 30 of the *Agreement on Subsidies and Countervailing Measures* ("SCM Agreement"), with respect to certain measures affecting trade in commercial vessels.

The Republic of Korea ("Korea") has developed and implemented a range of measures designed to provide financial support to its shipbuilders. These measures include providing both "producer support," such as direct financing provided to Korean shipbuilders that, *inter alia*, enables their continued market presence and prolonged periods of otherwise unsustainable low pricing, and "sales support" to Korean shipbuilders and their customers, which is designed to stimulate sales for Korean shipbuilders, including during periods of relatively low demand.

Japan considers that certain measures taken by Korea provide subsidies that are inconsistent with its obligations under the *SCM Agreement* and the *GATT 1994*. The measures in question relate to the development, production, marketing, and/or sale or purchase of commercial vessels, including vessels designed to carry crude oil, liquefied natural gas (LNG), and shipping containers. These measures include, but are not necessarily limited to, those described below.

#### 1. Corporate Restructuring Measures to Support Korean Shipbuilders

Japan is concerned about the provision by Korea, directly and/or through public and private institutions owned, controlled, entrusted and/or directed by the Korean Government, of corporate restructuring measures on non-commercial terms to support Korean shipbuilders. This includes (i) measures provided by the Korea Development Bank ("KDB"), including those provided pursuant to Chapter 3, Articles 18.(1).5 and 18.(1).6 of the Act on the Korea Development Bank, which states that, in order to achieve the purpose of the Act, KDB should provide funds for Korean businesses and industries to support their entry into foreign markets, for industrial development, and for corporate restructuring; (ii) measures provided by the Export-Import Bank of Korea ("KEXIM"), including those provided pursuant to Chapter 3, Articles 18.(1).1, 18.(2).9 and 18.(5) of the Act on the Export-Import Bank of Korea ("KEXIM Act"), which states that, in order to achieve the purpose of the Act, KEXIM should provide funds to businesses the KEXIM board deems to be important for the promotion of the nation's economic exchange; (iii) measures provided by the Korea Trade Insurance Corporation ("K-Sure") pursuant to the Trade Insurance Act; (iv) comprehensive measures adopted by Korea, including those establishing the Marine Finance Center to "strengthen marine and shipping finance"; and (v) measures provided by the Korea Ocean Business Corporation ("KOBC") pursuant to the Korea Ocean Business Corporation Act.

These measures take the form, *inter alia*, of loans with interest at below-market rates, share subscriptions and cancellations, purchase of perpetual bonds, and debt-equity swaps, as further described below. They include, but are not limited to, the following:

- a) All Korean measures related to the restructuring of Daewoo Shipbuilding & Marine Engineering ("DSME") from 2015 onward, including, but not limited to, the following:
  - i. All aspects of support provided to DSME pursuant to its 2015 restructuring, including, but not limited to, the following:
    - a. KDB's provision of 2.1 trillion KRW as short- and long-term loans by December 2016;
    - b. KDB's acquisition in 2015 of 76 million newly-issued DSME shares for 380 billion KRW; and
    - c. KEXIM's commitment in 2015 of 1.6 trillion KRW in the form of additional short- and long-term loans to promote capital expansion, as well as KEXIM's subsequent provision of such loans.
  - ii. All aspects of support provided to DSME pursuant to its 2016 restructuring, including, but not limited to, the following:
    - a. KDB's agreement to the cancellation in 2016 of 60 million shares in DSME and the reduction in value by 10:1 of 75 million additional shares in DSME, which KDB held prior to the restructuring plan, without compensation;
    - b. KDB's debt-to-equity swap in 2016 of 1.8 trillion KRW; and
    - c. KEXIM's purchase in 2016 of 1.0 trillion KRW in perpetual bonds issued by DSME.
  - iii. All aspects of support provided to DSME pursuant to its 2017 restructuring, including, but not limited to, the following:
    - a. KDB's debt-to-equity swaps in June and August 2017 of 320 billion KRW for all unsecured claims concerning DSME;
    - b. KEXIM's purchase in 2017 of 1.3 trillion KRW in perpetual bonds issued by DSME;
    - c. KDB's purchase in 2017 of 150 thousand shares in Daehan Shipbuilding Co., Ltd. ("Daehan") from DSME for 1.5 billion KRW;
    - d. KDB's commitment in 2017 to provide 1.5 trillion KRW of additional loans; and
    - e. KEXIM's commitment in 2017 to provide 1.5 trillion KRW of additional loans.
  - iv. Any other aspects of support provided to DSME pursuant to company restructuring from 2015 onward.
- b) All Korean measures related to the restructuring of Korean shipbuilders other than DSME since 2007, including restructurings of Sungdong Shipbuilding & Marine Engineering Co., Ltd. ("Sungdong"), STX Offshore & Shipbuilding Co., Ltd. ("STX"), and Daehan.

## **2. Guarantees and Other Insurance for Financing Related to Commercial Vessel Orders Placed with Korean Shipbuilders**

Japan is concerned about the provision by Korea, directly and/or through public and private institutions owned, controlled, entrusted and/or directed by the Korean Government, of guarantees or other types of insurance on sales-specific payments or financing on non-commercial terms. Public and private institutions owned, controlled, entrusted and/or directed by the Korean Government provide guarantees or other insurance at a preferential rate for payments and/or financing related to a commercial vessel order placed with a Korean shipbuilder in case the Korean shipbuilder or the customer fails to perform its obligations pursuant to the relevant agreement(s) relating to the purchase of commercial vessels. This support includes Refund Guarantees ("RGs") provided by KEXIM pursuant to Article 18 of the KEXIM Act. It also includes RGs and guarantees/insurance

covering export financing for shipbuilders provided by a number of Korean public and private institutions owned, controlled, entrusted and/or directed by the Korean Government, including KEXIM, KDB, and K-Sure, as well as the Korea Credit Guarantee Fund, which provides a guarantee to the financial institutions that issue RGs. These measures include, but are not limited to, the following:

- a) All Korean measures providing Export Bond Insurance from K-Sure covering export orders from Korean shipbuilders or Export Base Insurance from K-Sure covering against losses of financial institutions providing funds to shipping companies to help them purchase ships from Korean shipbuilders;
- b) All Korean measures providing Medium- and Long-Term Export Credit Insurance or RGs from K-Sure for prepayments to Korean shipbuilders;
- c) All Korean measures providing RGs from KDB or KEXIM to small- and medium-sized shipbuilders for prepayments from customers to these shipbuilders, and guaranteeing those RGs by the Korea Credit Guarantee Fund, including, but not limited to, the following:
  - i. KDB issued a RG for the order of four crude oil tankers accepted by STX in June 2017.
- d) All Korean measures providing RGs from KEXIM for prepayments from customers to Korean shipbuilders, including, but not limited to, the following:
  - i. KEXIM issued a RG for the order of five crude oil tankers by a Greek shipping company accepted by Sungdong in July 2017.
- e) All Korean measures providing RGs to DSME, including, but not limited to, the following:
  - i. KDB's, KEXIM's, and K-Sure's agreement, pursuant to DSME's 2015 restructuring, to provide prepayment RGs for orders placed with DSME; and
  - ii. KDB's July 21, 2015 approval of a RG relating to the prepayment of a container ship to be produced by DSME on an order by Maersk;
- f) All Korean measures providing guarantees for loans provided to any shipping company placing an export order with Korean shipbuilders, including, but not limited to, the following:
  - i. K-Sure's provision of a guarantee for the loans provided to the shipping company placing an export order with Hanjin Heavy Industries.
- g) Any other Korean measures providing RGs and other guarantees/insurance on payments and/or financing in connection with commercial vessel orders placed with Korean shipbuilders.

### **3. Pre-Shipment Loans, Measures through the New Shipbuilding Program, and Other Financing for Commercial Vessel Orders Placed with Korean Shipbuilders**

Japan is concerned about the provision by Korea, directly and/or through public and private institutions owned, controlled, entrusted and/or directed by the Korean Government, of pre-shipment loans and other sales-specific financing on non-commercial terms provided to Korean shipbuilders or their customers. This financing includes: (1) provision of loans to finance production, or customers' purchases, of commercial vessels produced by Korean shipbuilders; (2) purchase of bonds to fund customers' purchases of commercial vessels produced by Korean shipbuilders; and (3) capital injections to finance customers' purchases of commercial vessels produced by Korean shipbuilders. This financing is offered by a range of Korean public and private institutions owned, controlled, entrusted and/or directed by the Korean Government, including KEXIM.

As detailed in policy documents such as the Development Strategy for the Shipbuilding Industry and the Five-Year Marine Transportation Industry Rebuilding Plan (2018-2022), Korea is developing and executing a plan to support shipbuilders and shipping companies by providing financial support for purchases of commercial vessels from Korean shipbuilders. Further, Korean public and private institutions owned, controlled, entrusted and/or directed by the Korean Government will support the launching of vessels and ensure liquidity for shipping companies, through means that include the provision of financing.

These measures include, but are not limited to, the following:

- a) All Korean measures providing Export Implementation Fund Loans from KEXIM to Korean shipbuilders to produce commercial vessels for export orders;
- b) All Korean measures providing pre-shipment loans to Korean shipbuilders;
- c) All Korean measures providing support for purchases of commercial vessels for more than adequate remuneration and/or loans and leasing of commercial vessels at below-market rates pursuant to the New Shipbuilding Program, including, but not limited to, the following:
  - i. Korea Ocean Business Corporation, Korea Asset Management Corporation ("KAMCO"), K-Sure, KDB, and KEXIM's provision of loans and other financing totalling approximately 2.95 trillion KRW in connection with an order placed by Hyundai Merchant Marine in 2017 for seven container carriers from DSME, five container carriers from Samsung Heavy Industries, and eight container carriers from Hyundai Heavy Industries.
  - ii. KDB, KEXIM, KAMCO, KDB Capital, and K-Sure's provision of loans and other financing totalling approximately 250 billion KRW in connection with an order placed by Polaris Shipping for three very large ore carriers ("VLOCs") from Hyundai Heavy Industries in 2016 through the New Shipbuilding Program.
  - iii. The provision of financing to Hyundai Merchant Marine, a shipping company, in relation to its purchase of five very large crude carriers ("VLCCs") from DSME.
- d) All Korean measures providing Export Base Fund Loans from KEXIM, solely or jointly with K-Sure, to finance the purchase of commercial vessels from Korean shipbuilders, including, but not limited to, the following:
  - i. KEXIM's and K-Sure's provision of financing of 170 million USD each for a 680 million USD order by Oceanbulk Container Management SA;
  - ii. KEXIM's and K-Sure's provision of financing of 400 million USD (205 million USD in loans and 195 million USD in overseas loan guarantees) and 100 million USD, respectively, for a 1.36 billion USD order by Dorian LPG; and
  - iii. KEXIM's provision of financing of 77 million USD, along with a guarantee for an additional 10 million USD in loans from commercial banks, for a 174 million USD order by Container Carriers.
- e) All Korean measures where Korean public and private institutions owned, controlled, entrusted and/or directed by the Korean Government provided support to shipping companies and/or ship owners that have placed or would place an order with a Korean shipbuilder, including but not limited to:
  - i. Sale-and-lease-back arrangements, capital injections, the purchase of perpetual bonds, and other means of providing financing;
- f) Any other Korean measures providing financial assistance to shipbuilders or shipping companies through the provision of preferential loans, purchase of bonds, capital injections, the purchase of commercial vessels at above-market rates and the lease back of commercial vessels at below-market rates, or any other type of preferential financing.

#### 4. Eco-Ship Replacement Subsidies

Japan is concerned about the provision by Korea, directly and/or through public and private institutions owned, controlled, entrusted and/or directed by the Korean Government, of financial assistance on non-commercial terms to purchasers of commercial vessels produced by Korean shipbuilders, including providing price support (*i.e.*, cover a portion of the cost) for the purchases of commercial vessels that comply with certain environmental standards from Korean shipbuilders.

In 2017, the Korean Ministry of Oceans and Fisheries, a division of the Korean Government, announced that it planned to implement a system to provide price support for the purchase of newly built vessels when replacing an aged ship with an "eco-ship" or highly energy-efficient ship. Pursuant to the Development Strategy for the Shipbuilding Industry and the Five-Year Marine Transportation

Industry Rebuilding Plan (2018-2022), Korea is expanding these efforts to encourage and support the replacement of existing commercial vessels with eco-ships. Pursuant to the Eco-Ship Replacement Subsidies measures, the Korean Government provides cash payments to cover 10-20% of the price of an order for a new ship that meets certain environmental requirements if the purchaser is replacing an aged ship. In addition, Korea directly and/or through public and private institutions owned, controlled, entrusted and/or directed by the Korean Government, will provide interest rate support to financial institutions that provide financing for projects pursuant to the eco-shipment measures.

These measures include, but are not limited to, the following:

- a) All Korean measures supporting the construction of 50 commercial vessels by 2022 envisioned by the Five-Year Marine Transportation Industry Rebuilding Plan, including, but not limited to:
  - i. Korea's provision of funding for Sinokor Merchant Marine's purchase of a new 1,800TEU container carrier (Bangkok Max) from Hyundai Mipo Dockyard.
- b) Any other Korean measures providing financing to purchasers of vessels that comply with set environmental standards and that are produced by Korean shipbuilders.

#### **5. Other Korea's Support for Commercial Vessel Purchases**

Japan is concerned about the provision by Korea, directly and/or through public and private institutions owned, controlled, entrusted and/or directed by the Korean Government, of financial assistance on non-commercial terms to Korean shipbuilders and/or purchasers, lessors, lessees, and/or operators of commercial vessels produced by Korean shipbuilders. As detailed in policy documents, such as the Development Strategy for the Shipbuilding Industry and the Five-Year Marine Transportation Industry Rebuilding Plan (2018-2022), Korea is developing and executing a plan to support shipbuilders and shipping companies, including by directly purchasing, or facilitating the purchase of, commercial vessels from Korean shipbuilders. Specifically, these measures include, but are not limited to, the following:

- a) All Korean measures designed to "increase contracting and public orders . . . in accordance with the marine transportation industry rebuilding plan" as described in the Development Strategy for the Shipbuilding Industry;
- b) All Korean measures related to the KOBC's investment in new commercial vessels and financing of new commercial vessels produced by Korean shipbuilders, including, but not limited to, the following:
  - i. The planned equity investments of 30 percent of the construction costs for up to 40 vessels.
- c) Any other Korean measures providing for the purchase of commercial vessels from Korean shipbuilders by the Korean Government for purposes of supporting the shipbuilding and shipping industries.

#### **6. Amendments; Other Measures**

This request for consultations extends to any amendments, revisions, implementation, or related measures to the measures described above, as well as the laws and practices on which the measures listed above are based or that they reflect or constitute.

In addition, this consultation request extends to any other measures that involve a financial contribution by Korea that, directly or indirectly, confers a benefit to Korean shipbuilders and/or lessors, lessees, owners and/or operators of commercial vessels produced by Korean shipbuilders.

#### **7. Legal Basis**

Japan is concerned that the measures described in Sections 1 through 6 above are inconsistent with Korea's obligations under various provisions of the *SCM Agreement*. In particular, these measures appear to be subsidies causing adverse effects to Japan's interests as provided in:

- a) Article 1.1 of the *SCM Agreement* because, in each instance, a subsidy exists in that there is a financial contribution and a benefit is thereby conferred.
- b) Article 2 of the *SCM Agreement* because, in each instance, the subsidies are specific.
- c) Articles 5 (a) and (c) and 6.3 (a), (b), and (c) of the *SCM Agreement* because the measures are specific subsidies within the meaning of Articles 1 and 2 of the *SCM Agreement* that are causing or threatening to cause adverse effects to the interests of Japan in the form of injury to Japan's domestic shipbuilding industry and serious prejudice to the interests of Japan, including through displacement and impedance of imports and exports of the Japanese like product into Korea and third country markets, and significant price undercutting, price suppression, price depression, and lost sales in the same market or markets.

Japan is also concerned that the measures described in Sections 1 through 6 above appear to be export subsidies inconsistent with Articles 3.1 (a) and 3.2 of the *SCM Agreement*.

Japan is further concerned that measures described in Sections 3 through 6 above appear to be contingent upon the use of domestic over imported goods inconsistent with Articles 3.1 (b) and 3.2 of the *SCM Agreement*, and also appear to fail to accord products imported into Korea treatment no less favourable than that accorded to like products of Korean origin in a manner consistent with Article III:4 of the *GATT 1994*.

In accordance with Articles 4.2 and 7.2 of the *SCM Agreement*, Japan attaches a statement of available evidence with regard to the existence and nature of the subsidies in question, as well as the injury caused to the domestic industry, and/or serious prejudice caused to the interest of Japan. The available evidence is listed in **Annex** to this request.

Japan reserves the right to request that Korea produce further information and documents regarding the measures in question, to offer further evidence of each of the measures and potential violations listed above, and to raise further facts and claims under other provisions of the covered agreements and address additional measures during the course of consultations.

Japan looks forward to receiving a reply from Korea to this request for consultations and to find a mutually convenient date for consultations.

## ANNEX

## Statement of Available Evidence

Japan's request for consultations dated 6 November 2018 identifies the subsidies that are the subject of this request for consultations.

The evidence set out below is evidence available to Japan at this time regarding the existence and nature of those subsidies, as well as the injury caused to the domestic industry, and/or serious prejudice caused to the interest of Japan. Japan reserves the right to supplement or alter this list in the future, as required. Certain evidence may be indicative of the existence and nature of more than one type of subsidy or measure. However, for simplicity, all sources of evidence are only listed once.

The evidence presently available to Japan includes the following:

**General**

- For All the Relevant Ministries and Government Agencies, Ministry of Strategy and Finance, *The Development Strategy for the Shipbuilding Industry through Three Major Innovations – Cost, Technology, and Systems Innovation* (Apr. 5, 2018), <https://www.gov.kr/portal/ntnadmNews/1413013>.
- For All the Relevant Ministries and Government Agencies, Ministry of Strategy and Finance, *The Five-Year Marine Transportation Industry Rebuilding Plan (2018-2022)* (Apr. 5, 2018), [http://www.mosf.go.kr/com/synap/synapView.do?atchFileId=ATCH\\_000000000007840&fileSn=3](http://www.mosf.go.kr/com/synap/synapView.do?atchFileId=ATCH_000000000007840&fileSn=3).
- For All the Relevant Ministries and Government Agencies, Ministry of Strategy and Finance, *Plans to Enhance the Competitiveness of the Shipbuilding Industry* (Oct. 31, 2016), [http://www.moef.go.kr/com/synap/synapView.do?atchFileId=ATCH\\_000000000003180&fileSn=1](http://www.moef.go.kr/com/synap/synapView.do?atchFileId=ATCH_000000000003180&fileSn=1).
- State Affairs Committee, *The Secretariat of the National Assembly, Minutes of the 1<sup>st</sup> State Affairs Committee Meeting of the 344<sup>th</sup> National Assembly* (Aug. 8, 2016), <http://likms.assembly.go.kr/record/mhs-40-010.do#none>.
- State Affairs Committee, *The Secretariat of the National Assembly, Minutes of the 6<sup>th</sup> State Affairs Committee Meeting of the 343<sup>rd</sup> National Assembly* (July 11, 2016), <http://likms.assembly.go.kr/record/mhs-40-010.do#none>.
- IHS Markit, <https://maritime.ihs.com/>.
- Clarksons Research, <https://sin.clarksons.net/>.

**Corporate Restructuring Measures to Support Korean Shipbuilders**

- Industrial Finance Division, Financial Services Commission, Korea Development Bank Act, Act No.14122 (Sept. 30, 2016), Ch. 3, Art. 18.5, <http://www.law.go.kr/lsInfoP.do?lsiSeq=182121&lsId=001548&chrClsCd=010202&urlMode=engLsInfoR&viewCls=engLsInfoR&efYd=&vSct=%EC%82%B0%EC%97%85%EC%9D%80%ED%96%89#0000>.
- International Economic Affairs Bureau, Ministry of Strategy and Finance, Export-Import Bank of Korea Act, Act No.14100 (June 30, 2016), Ch. 3, Art. 18.5, <http://www.law.go.kr/engLsSc.do?tabMenuId=tab45&query=%ED%95%9C%EA%B5%AD%EC%88%98%EC%B6%9C%EC%9E%85%EC%9D%80%ED%96%89%EB%B2%95#>.
- Export and Import Division, Ministry of Trade, Industry and Energy, Trade Insurance Act, Act No.14667 (Sept. 22, 2017), <http://www.law.go.kr/lsInfoP.do?lsiSeq=192507&lsId=001465&chrClsCd=&urlMode=engLsInfoR&viewCls=engLsInfoR&efYd=&vSct=%EB%AC%B4%EC%97%AD%EB%B3%B4%ED%97%98%EB%B2%95>.
- Shipping Policy Division, Ministry of Oceans and Fisheries, Korea Ocean Business Corporation Act, Act No. 15359 (July 1, 2018), <http://www.law.go.kr/lsEInfoP.do?lsiSeq=201185#>.
- Korea Investors Service, *KDB's provision of 2.1 trillion won, and KEXIM's commitment of 1.6 trillion won in the form of additional short- and long-term loans* (Dec 27, 2016), link is not available, but accessible by searching "대우조선해양(주) 자본확충에도 신용등급 하향검토 유지" at <http://www.kisrating.com/search.do>.

- Korea Trade Insurance Corporation, Articles of Incorporation of Korea Trade Insurance Corporation (Jan. 1, 2015), <https://www.ksure.or.kr/english/jsp/about/Articles%20of%20association.pdf>.
- DSME, *Correction Notification (Report)* (Oct. 19, 2017), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20171019000325>.
- Yeol-Jung Kim, DSME, *Half-Year Report* (Aug. 16, 2016), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20160816001183>.
- KDB, *KDB, Main Creditor Bank's Countermeasure related to DSME* (July 21, 2015), *link is not available, but accessible by searching "産銀, 대우조선해양(주) 관련 주채권은행 대응방안" at <https://wbiz.kdb.co.kr/wb/simpleJsp.do#>*.
- Crystal Chan, *DSME's creditor banks: Business as usual, Fairplay* (July 23, 2015), <https://dev.fairplay.ihs.com/article/18716/business-usual-say-dsme-creditor-banks>.
- Yeol-Jung Kim, DSME, *Main Matter Report / Mandatory Exchange Report* (Dec. 22, 2015), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20151222000132>.
- KDB, *Report on Status of Large Volume Holding of Shares* (Dec. 24, 2015), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20151228000228>.
- Yeol-Jung Kim, DSME, *Main Matter Report / Mandatory Exchange Report* (Nov. 10, 2016), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20161110000227>.
- Yeol-Jung Kim, DSME, *Main Matter Report / Mandatory Exchange Report* (Dec 12, 2016), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20161212000458>.
- DSME, *Correction Notification (Report)* (June 28, 2017), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20170628000198>.
- Yeol-Jung Kim, DSME, *Securities Issuance Performance Report* (June 28, 2017), <https://dart.fss.or.kr/dsaf001/main.do?rcpNo=20170628000184>.
- DSME, *Correction Notification (Report)* (Aug. 11, 2017), <https://dart.fss.or.kr/dsaf001/main.do?rcpNo=20170811000870>.
- KOREA INVESTORS SERVICE, *KDB's and KEXIM's commitment in 2017 to provide 1.45 trillion won of additional loans* (Mar. 24, 2017), *link is not available, but accessible by searching "대우조선해양 구조조정 추진방안에 따른 금융기관 손실부담 점검 - 자율적 구조조정: 신용도 영향 제한적. 단, P-Plan 실행여부 모니터링 필요" at <http://www.kisrating.com/search.do>*.
- Daehan Shipbuilding Co., Ltd, *Changes in Largest Shareholder and Others' shareholdings* (Jan. 17, 2017), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20170117000302>.
- KEXIM, *Large Shareholdings Status Report* (July 5, 2017), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20170705000289>.
- KDB, *Large Shareholdings Status Report* (Aug. 12, 2017), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20170818000019>.
- Yeol-Jung Kim, DSME, *Main Matter Report / Mandatory Exchange Report* (June 28, 2017), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20170628000199>.
- DSME, *Investment Manual* (Dec. 28, 2016), <https://dart.fss.or.kr/dsaf001/main.do?rcpNo=20161228000006>.
- Local Industry Employment Policy Department, Ministry of Employment and Labor, *Progress Report on Additional Employment and Employment Support Policy for the Shipbuilding Industry* (Feb. 28, 2017), [http://www.moel.go.kr/info/publicct/publicDataView.do?bbs\\_seq=1491888311244](http://www.moel.go.kr/info/publicct/publicDataView.do?bbs_seq=1491888311244).
- Yeun-Jung Kim, Dong-Hyun Kim, *Big 3 Shipbuilding Completed 40% of the Restructuring Plan, Hyundai Heavy Industry Leads with 56%*, Yonhap News (Dec. 26, 2016), <http://www.yonhapnews.co.kr/bulletin/2016/12/26/0200000000AKR20161226080951003.HTML>.
- Industrial Finance Division, Financial Services Commission, *Plans Executed to Reorganize the Role of Policy Financing in Order to Foster Policy Financing Abilities to Support Creative and Consumer-based Economy* (Aug. 27, 2013), [http://www.fsc.go.kr/info/ntc\\_news\\_view.jsp?menu=7210100&bbsid=BBS0030&no=29319](http://www.fsc.go.kr/info/ntc_news_view.jsp?menu=7210100&bbsid=BBS0030&no=29319).
- KEXIM, *Hub of Marine Financing, Marine Finance Center Opens* (Nov. 10, 2014), <https://www.koreaexim.go.kr/site/program/board/basicboard/view?currentpage=32&menuid=001005005001&pagesize=10&boardtypeid=36&boardid=50426>.
- SamKyeong Accounting Corporation, *Audit Report for SungDong's Financial Reports* (Mar. 20, 2018), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20180412000689>.
- Shin-Yeong Park, Ji-Eun Jung, *Pouring 4 Trillion and... SungDong Ultimately into Court Receivership*, Hankyung (Mar. 9, 2018), <http://news.hankyung.com/article/2018030877501>.



- Young-Mok Park, STX, *Business Report* (Mar. 29, 2018), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20180329000183>.
- Tae-Sub Byun, *Shifting Responsibilities to Government After Providing Blood... SungDong and STX Became Textbook Examples of Restructuring Failures*, Hankookilbo (Mar. 8, 2018), <http://hankookilbo.com/v/f972171924af46d4b527cf6f2f252dc4>.
- Ji-Hoon Moon, *STX, Applying for Court Receivership... Court, Will Decide on Restructuring After Assessing Ability to Rehabilitate*, Global Views (May 27, 2016), <http://www.ajunews.com/view/20160527215316018>.
- DongMyung Accounting Firm, *Audit Report on DHSC's Financial Reports* (Mar. 2, 2018), <http://dart.fss.or.kr/dsaf001/main.do?rcpNo=20180323000922>.

#### **Guarantees and Other Insurance for Financing Related to Commercial Vessel Orders Placed with Korean Shipbuilders**

- For All the Relevant Ministries and Government Agencies, Ministry of Strategy and Finance, *Measures to Encourage RG Issuance for Orders Accepted by Small-and-Medium-Sized Shipbuilding Companies* (Aug. 24, 2017), <https://www.fsc.go.kr/downManager?bbsid=BBS0030&no=119211>.
- K-SURE, *Medium and Long-term Export Credit Insurance (Buyer Credit)*, [https://www.ksure.or.kr/en/product/product\\_02\\_03.do](https://www.ksure.or.kr/en/product/product_02_03.do) (last visited July 30, 2018).
- K-SURE, *Export Bond Insurance*, [https://www.ksure.or.kr/en/product/product\\_02\\_09.do](https://www.ksure.or.kr/en/product/product_02_09.do) (last visited July 30, 2018).
- K-SURE, *Export Base Insurance*, [https://www.ksure.or.kr/insur/export\\_baseins01.do](https://www.ksure.or.kr/insur/export_baseins01.do) (last visited Aug. 7, 2018).
- MFC, *Korea Trade Insurance Corporation Introduction of Marine Finance Business*, [http://www.mfcenter.or.kr/kor/support/ksure\\_info.php](http://www.mfcenter.or.kr/kor/support/ksure_info.php) (last visited Oct. 24, 2018).
- Industrial Finance Division, Financial Services Commission, Credit Guarantee Fund Act, Act No.14839 (July 26, 2017), Ch. I, Art. 3, [http://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=44431&lang=ENG](http://elaw.klri.re.kr/kor_service/lawView.do?hseq=44431&lang=ENG).
- JoongAng Ilbo, *Prime Minister of South Korea Stated, "We must finish the investigation of Daewoo Shipbuilding in as short a period as possible"* (July 5, 2016), <http://japanese.joins.com/article/879/217879.html>.
- Hyung-Min Kim, *STX Shipbuilding Again Embroiled in Controversy for Low Cost Bid, KDB to Re-conduct Due Diligence*, ChosunBiz (July 20, 2017 10:13 AM), [http://biz.chosun.com/site/data/html\\_dir/2017/07/20/2017072001061.html](http://biz.chosun.com/site/data/html_dir/2017/07/20/2017072001061.html).
- K-Sure, *K-Sure adopts Ship Financing Insurance in order to increase orders received by domestic shipbuilders* (Aug. 22, 2013), [https://www.ksure.or.kr/news/press\\_1.do](https://www.ksure.or.kr/news/press_1.do).
- K-Sure, *K-Sure provides US\$900 million trade insurance support for the export order to Greece placed on domestic shipbuilders for 8 high-value-added LNG ships* (June 26, 2014), [https://www.ksure.or.kr/news/press\\_1.do](https://www.ksure.or.kr/news/press_1.do).
- K-Sure, *K-Sure provides export bond insurance for the first time for 3 container ships to be exported by domestic shipbuilders to France* (Dec. 23, 2014), [https://www.ksure.or.kr/news/press\\_1.do](https://www.ksure.or.kr/news/press_1.do).
- Sang-Hyun Kim, *MFC, Provides Funds for Export Agreement to Hanjin Heavy Industries*, Yonhap News (Jan. 14, 2015 9:53 AM), <http://www.yonhapnews.co.kr/bulletin/2015/01/14/0200000000AKR20150114046600051.HTML?input=1195m>.

#### **Pre-Shipment Loans, Measures through the New Shipbuilding Program, and Other Financing Provided for Commercial Vessel Orders Placed with Korean Shipbuilders**

- For All the Relevant Ministries and Government Agencies, Ministry of Strategy and Finance, *Current Status and Future Plans with Industry Specific Restructuring* (Dec. 30, 2015), <https://www.fsc.go.kr/downManager?bbsid=BBS0029&no=101893>.
- MFC, *KEXIM: Domestic Shipyard Support Systems*, [http://www.mfcenter.or.kr/kor/support/exim01\\_1.php](http://www.mfcenter.or.kr/kor/support/exim01_1.php) (last visited Aug. 2, 2018).
- KEXIM, Press Releases, *The First Marine Financial Center Opened in Busan Last Month* (Oct. 16, 2014), <https://www.koreaexim.go.kr/site/program/board/basicboard/view?boardtext2=&menuid=001005005001&searchselect=all&searchword=%EC%98%A4%EC%85%98%EB%B2%8C%ED%81%AC&pagesize=10&boardtypeid=36&boardid=50415>.

- MFC, *Korea Export-Import Bank: Provides total financial services for domestic and overseas shipping companies and domestic shipyards*, <http://www.mfcenter.or.kr/kor/support/exim.php> (last visited Aug. 2, 2018).
- MFC, *KEXIM, Export Performance Financing (Formerly Manufacture Financing and Cooperation Financing)*, [http://www.mfcenter.or.kr/kor/support/exim01\\_2.php](http://www.mfcenter.or.kr/kor/support/exim01_2.php) (last visited Aug. 7, 2018).
- For All the Relevant Ministries and Government Agencies, Ministry of Strategy and Finance, *Implementation Progress of and Future Plans for the Maritime Industry Financial Support Program* (Mar. 3, 2017), [http://www.moef.go.kr/nw/nes/detailNesDtaView.do?searchBbsId1=MOSFBBS\\_000000000028&searchNttId1=MOSF\\_000000000008280&menuNo=4010100](http://www.moef.go.kr/nw/nes/detailNesDtaView.do?searchBbsId1=MOSFBBS_000000000028&searchNttId1=MOSF_000000000008280&menuNo=4010100).
- Korea Development Bank, *Memorandum of Understanding Signed with 5 Major Policy Banks for the New Ship Building Program* (Mar. 21, 2016), access is limited to persons with log-in information at KDB.
- DK Kim, *18 Shipbuilders, 36 vessels, apply for 'Shipbuilding New Construction Program'...1.2 Trillion Won Scale*, Yonhap News (June 3, 2018 11:00 AM), <http://www.yonhapnews.co.kr/bulletin/2018/06/01/0200000000AKR20180601169600003.HTML>.
- Da-Hee Gwon, *KDB and 5 Other Policy Financial Organizations Doubles the Shipbuilding Fund to US\$2.4*, YonHap News (Dec. 30, 2016), <http://www.yonhapnews.co.kr/bulletin/2016/12/30/0200000000AKR20161230049000002.HTML>.
- MFC, *Korea Development Bank: the Financial Engine of Korea's Development, Global KDB, Corporate Financing*, <http://www.mfcenter.or.kr/kor/support/kdb01.php> (last visited Aug. 9, 2018).
- Seul-Ki Kim, *KEXIM, Providing First Shipbuilding Fund after MFC's Establishment*, ChoiceNews (Oct. 17, 2014 9:42 AM), <http://www.choiceneews.co.kr/news/articleView.html?idxno=13026>.
- Chong-Hee Jang, *MFC, Providing Second Joint Support after Establishment*, Leaders Economy Daily (Dec. 25, 2014), <http://leaders.asiae.co.kr/news/articleView.html?idxno=13458>.
- Kim Hyung-Min, *Hyundai Merchant Marine Orders 20 Ships for 3 Trillion Won, Full Mobilization of KDB, KOBC, KEXIM, KSURE and KAMCO*, ChosunBiz.com (Sept. 30, 2018), <https://news.naver.com/main/read.nhn?mode=LSD&mid=sec&sid1=101&oid=366&aid=0000416419>.
- Hwang Jun-Ik, *Polaris Shipping, VLOC Financing Acquired Through the New Ship Building Program*, EBN Industry News (July 30, 2018), <http://www.ebn.co.kr/news/view/950312>.
- KEXIM, *KEXIM with Busan Bank Provides 87 million USD to Container Carrier Group* (Aug. 24, 2015), <https://www.koreaexim.go.kr/site/program/board/basicboard/view?boardtext2=&menuid=001005005001&searchselect=all&searchword=%EC%BB%A8%ED%85%8C%EC%9D%B4%EB%84%88%EC%BA%90%EB%A6%AC%EC%96%B4%EC%8A%A4&pagesize=10&boardtypeid=36&boardid=50542>.
- Jong-Guk Byun, *Hyundai Merchant Marine "Orders 20 Ships from Big 3 Shipbuilders"*, Dong-A News (June 5, 2018), <http://news.donga.com/Economy/more29/3/all/20180604/90404356/1>.
- Maritime Industry Team, *Hyundai Merchant Marine Executes an Agreement with Korea Shipping and Maritime Transportation Co., Ltd. to Support Building of 5 New VLCCs*, The Korea Maritime News (Mar. 25, 2018 1:34 PM), <http://www.haesaneews.com/news/articleView.html?idxno=80976>.
- K-SMART, *Investment Business*, <http://www.ko-smart.co.kr/business/business02.php> (last visited Oct. 29, 2018).
- Min-Hee Lim, *KEXIM-Busan Bank Provide 87 Million USD Ship Financing to Container Carriers*, EBN Industry News (Aug. 24, 2015 11:08 AM), <http://www.ebn.co.kr/news/view/783974>.
- Hye-Min Kim, *Marine Finance Centre Provides First Ship Financing*, Asia Economy (Oct. 15, 2014 2:08 PM), <http://view.asiae.co.kr/news/view.htm?idxno=2014101514000131430>.
- Suk-Joo Lee, *Marine Finance Centre Provides 500 Million Dollars to Support Domestic Shipbuilders to Procure Orders for LPG Ships*, Kookje News (Dec. 24, 2014 8:26 PM), <http://www.kookje.co.kr/news2011/asp/newsbody.asp?code=0200&key=20141225.22014201507>.

### **Eco-Ship Replacement Subsidies**

- Ministry of Oceans and Fisheries, *Increasing Quality of Life by Reviving the Maritime and Fisheries Industry and by Focused Growth Investment on Innovation* (Aug. 27, 2018), <http://www.mof.go.kr/iframe/article/view.do?articleKey=23257&boardKey=10&menuKey=376&currentPageNo=1>.
- Ministry of Oceans and Fisheries, *2019 Eco-Friendly Facilities Improvement Second Maintenance Business* (Oct. 5, 2018), [https://www.kobc.or.kr/kor/CMS/Board/Board.do?mCode=MN052&mode=view&mgr\\_seq=10&board\\_seq=38](https://www.kobc.or.kr/kor/CMS/Board/Board.do?mCode=MN052&mode=view&mgr_seq=10&board_seq=38).
- Ji-Ung Kim, *Sinokor Merchant Marine, Korean Marine Transport Co., and Chun Kyung Shipping Co., Ltd. Plan to Place Order of Vessels to Korean Shipbuilders*, EBN Industry News (Apr. 23, 2018 4:39 PM), <http://www.ebn.co.kr/news/view/938859>.
- Ji-Ung Kim, *Korean Marine Transport Co. and Chun Kyung Shipping Co., Ltd. Give Up Subsidies for New Eco-Friendly Vessel Orders*, EBN Industry News (Apr. 26, 2018 3:20 PM), <http://www.ebn.co.kr/news/view/939347>.
- Gwi Dong Cho, *Order of public vessels worth 5.5 trillion won through next year*, ChosunBiz.com (Apr. 5, 2018), [http://biz.chosun.com/site/data/html\\_dir/2018/04/05/2018040501885.html](http://biz.chosun.com/site/data/html_dir/2018/04/05/2018040501885.html).

### **Other Korea's Support for Commercial Vessel Purchases**

- Regional Industrial Division, Ministry of Trade, Industry and Energy, *October Announcement on Strategies to Strengthen the Shipbuilding Industry's Competitiveness and the Economic Revitalization of Shipyard Areas* (Oct. 6, 2016), [http://www.motie.go.kr/motie/ne/presse/press2/bbs/bbsView.do?bbs\\_seq\\_n=158663&bbs\\_cd\\_n=81&currentPage=1&search\\_key\\_n=&search\\_val\\_v=&cate\\_n=&dept\\_v=&from\\_brf=brf&brf\\_code\\_v=3](http://www.motie.go.kr/motie/ne/presse/press2/bbs/bbsView.do?bbs_seq_n=158663&bbs_cd_n=81&currentPage=1&search_key_n=&search_val_v=&cate_n=&dept_v=&from_brf=brf&brf_code_v=3).
  - *Korea Ocean Business Corporation launched to support Korea's shipping industry*, Safety4Seas (Apr. 7, 2018), <https://safety4sea.com/korea-ocean-business-corporation-launched-to-support-koreas-shipping-industry/>.
  - International Shipping News, *Korea Ocean Business Corporation to be launched on July 5*, Hellenic Shipping News (Apr. 7, 2018), <https://www.hellenicshippingnews.com/korea-ocean-business-corporation-to-be-launched-on-july-5/>.
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