

# CLEAN AIR CONSERVATION ACT

Wholly Amended by Act No. 8404, Apr. 27, 2007

Amended by Act No. 8466, May 17, 2007

Act No. 8852, Feb. 29, 2008

Act No. 8976, Mar. 21, 2008

Act No. 8957, Mar. 21, 2008

Act No. 8956, Mar. 21, 2008

Act No. 9311, Dec. 31, 2008

Act No. 9695, May 21, 2009

Act No. 9770, jun. 9, 2009

Act No. 9931, Jan. 13, 2010

Act No. 10615, Apr. 28, 2011

Act No. 10893, Jul. 21, 2011

Act No. 11256, Feb. 1, 2012

Act No. 11445, May 23, 2012

Act No. 11690, Mar. 23, 2013

Act No. 11750, Apr. 5, 2013

Act No. 11907, Jul. 16, 2013

Act No. 11998, Aug. 6, 2013

Act No. 12248, Jan. 14, 2014

Act No. 13034, Jan. 20, 2015

Act No. 13039, Jan. 20, 2015

Act No. 13528, Dec. 1, 2015

Act No. 13874, Jan. 27, 2016

Act No. 14487, Dec. 27, 2016

Act No. 14476, Dec. 27, 2016

Act No. 14532, Jan. 17, 2017

## Article 1 (Purpose)

The purpose of this Act is to enable all people to live in a healthy and comfortable environment, by preventing air pollution which causes harm to people and the environment, and by managing and preserving the atmospheric environment in a proper and sustainable manner.

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 8260, Jan. 19, 2007; Act No. 9311, Dec. 31, 2008; Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012; Act No. 11750, Apr. 5, 2013; Act No. 13528, Dec. 1, 2015>

1. The term "air pollutant" means gas or granular matter prescribed by Ordinance of the Ministry of Environment, which is acknowledged as a cause of air pollution as a result of the examination and assessment conducted under Article 7 among matters that exist in the air;
- 1-2. The term "air pollutants subject to watch for hazard" means matter prescribed by Ordinance of the Ministry of Environment, which is acknowledged requiring continuous measurement, surveillance, observation, etc., among air pollutants as a result of the examination and assessment conducted under Article 7, because it could inflict any harm or injury on people's health or on the birth and breeding of animals and plants;
2. The term "climate/ecosystem-changing substances" means gaseous matter which may cause any change to the ecosystem by global warming, etc., including greenhouse gases and other matters prescribed by Ordinance of the Ministry of Environment;
3. The term "greenhouse gases" means gaseous matter in the air, which induces the greenhouse effect by absorbing or re-emitting infrared heat radiation, including carbon dioxide, methane, nitrogen oxides, hydrofluorocarbon, perfluorocarbon, and sulfur hexafluoride;
4. The term "gas" means gaseous matter produced at the time of combustion, synthesis, and decomposition of matter, or because of the physical properties of matter;
5. The term "granular matter" means solid or liquid fine matter produced at the time of crush, sorting, piling, reloading, mechanical treatment, combustion, synthesis, or decomposition of matter;
6. The term "dust" means granular matter floating in the air or falling down in the air;
7. The term "exhaust fumes" means fine granular matter mainly composed of free carbon produced at the time of combustion;
8. The term "soot" means granular matter, which is condensed free carbon produced at the time of combustion, and the granules of which are at least one micron in diameter;
9. The term "specified hazardous air pollutant" means matter prescribed by Ordinance of the Ministry of Environment among air pollutants subject to watch for hazard, which is acknowledged to require emission control as a result of the examination and assessment conducted under Article 7, because it could inflict any harm or injury directly or indirectly on people's health or on the birth and breeding of animals and plants through long-term intake or exposure even if in low concentration;
10. The term "volatile organic compound" means the petrochemicals, organic solvents, and other materials among hydrocarbons, which are publicly notified by the Minister of Environment in consultation with the heads of the relevant central administrative agencies;
11. The term "air pollutant-emitting facilities" means facilities, machines, apparatus, and other things prescribed by Ordinance of the Ministry of Environment, which emit air pollutants into the air;

12. The term "air pollution prevention facilities" means facilities prescribed by Ordinance of the Ministry of Environment, which eliminate or reduce air pollutants emitted from air pollutant-emitting facilities by means of combustion control, etc.;

13. The term "motor vehicles" means any of the following:

(a) Motor vehicles prescribed by Ordinance of the Ministry of Environment among those as defined in subparagraph 1 of Article 2 of the Motor Vehicle Management Act;

(b) Construction machinery prescribed by Ordinance of the Ministry of Environment, the driving characteristics of which are similar to those of motor vehicles referred to in item (a) among the construction machinery as defined in subparagraph 1 of Article 2 of the Construction Machinery Management Act;

13-2. The term "motor" means any of the following:

(a) Devices which generate electric power for construction machinery prescribed by Ordinance of the Ministry of Environment, other than the construction machinery defined in subparagraph 13 (b), among the construction machinery as defined in Article 2 (1) 1 of the Construction Machinery Management Act;

(b) Devices which generate electric power for machinery prescribed by Ordinance of the Ministry of Environment and used for agricultural, forestry, or marine purposes;

14. The term "ship" means any ship as defined in subparagraph 16 of Article 2 of the Marine Environment Management Act;

15. The term "additives" means chemical substances which are added to motor vehicle fuel in order to improve the performance of motor vehicles or reduce exhaust gases, other than substances only composed of carbon and hydrogen, and satisfy all of the following requirements:

(a) Substances added to motor vehicle fuel in less than one percent of the volume (only applicable to fluid-type additives) or the weight (only applicable to solid-type additives) of the motor vehicle fuel: Provided, That no restriction on the rate of addition shall apply to the substances added by petroleum refinery business entities and petroleum import-export business entities as defined in subparagraphs 7 and 8 of Article 2 of the Petroleum and Petroleum Substitute Fuel Business Act in the course of manufacturing petroleum products for motor vehicle fuel or enhancing the quality thereof;

(b) Substances which are not categorized as fake petroleum products as defined in subparagraph 10 of Article 2 of the Petroleum and Petroleum Substitute Fuel Business Act or petroleum substitute fuel as defined in subparagraph 11 of the same Article;

15-2. The term "catalyst" means chemicals prescribed by Ordinance of the Ministry of Environment, which are used for exhaust gas reduction devices to enhance the efficiency of reducing exhaust gas;

16. The term "low-emission motor vehicle" means a low-emission automobile as defined in subparagraph 6 of Article 2 of the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area;

17. The term "exhaust gas reduction device" means a device installed, or replaced in, motor vehicles in order to reduce air pollutants emitted from the motor vehicles, which meets the reduction efficiency set by Ordinance of the Ministry of Environment;

18. The term "low-emission engine" means an engine (including parts used to remodel an engine) designed to reduce air pollutants emitted from motor vehicles, which meet the permissible emission levels set by Ordinance of the Ministry of Environment;

19. The term "idle-stop-and-go system" means a system installed in a motor vehicle to reduce air pollutants emitted from the motor vehicle and to save fuels, which meets the criteria prescribed by Ordinance of the Ministry of Environment;

20. The term "quantity of greenhouse gas emissions" means the quantity (g/km) of carbon dioxide emissions from a motor vehicle per mileage;

21. The term "average quantity of greenhouse gas emissions" means the average value (g/km) computed by dividing the total quantity of greenhouse gas emissions from the motor vehicles prescribed by Ordinance of the Ministry of Environment, among the motor vehicles sold by motor vehicle manufacturers, by the total number of such motor vehicles;

22. The term "long-range transboundary air pollutants" means air pollutants prescribed by Ordinance of the Ministry of Environment, which have transboundary impacts on multiple countries through long-range movements after the creation of yellow dust, dust, etc.

### **Article 3 (Regular Measurement)**

(1) The Minister of Environment shall install measuring networks and constantly measure the air pollution levels, etc., as prescribed by Ordinance of the Ministry of Environment, in order to ascertain the actual conditions of air pollution and climate/ecosystem-changing substances nationwide.

(2) The Special Metropolitan City Mayor, Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, Do Governor, or the Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") shall install measuring networks and constantly measure the air pollution levels, as prescribed by Ordinance of the Ministry of Environment, in order to ascertain the actual conditions of air pollution within his/her jurisdiction, and report the results thereof to the Minister of Environment.

*<Amended by Act No. 11445, May 23, 2012>*

(3) The Minister of Environment may establish and operate a computer network capable of electronically processing the measurement results referred to in paragraphs (1) and (2) so that people can have easy access to the information on air pollution levels. *<Newly Inserted by Act No. 13874, Jan. 27, 2016>*

### **Article 3-2 (Establishment, Operation, etc., of Environmental Satellite Observation Network)**

(1) The Minister of Environment may establish an environmental satellite observation network and collect and utilize the observed information to monitor the air environment and climate/ecosystem-changing substances and to understand environmental impacts of climate change.

(2) Any other matters necessary for establishing and operating the environmental satellite observation network and for collecting and utilizing the information pursuant to paragraph (1) shall be prescribed by

Presidential Decree.

**Article 4 (Determination on Measuring Network Installation Plan, etc.)**

(1) The Minister of Environment shall determine a measuring network installation plan specifying the location, area, etc. of measuring networks under Article 3 (1) in detail and publicly notify it, as prescribed by Ordinance of the Ministry of Environment, and enable whomever to inspect the drawings thereof. The same shall apply to the revisions thereto.

(2) Paragraph (1) shall apply mutatis mutandis where the Mayor/Do Governor installs a measuring network under Article 3 (2).

(3) The State may provide necessary financial and technical assistance necessary for accomplishing any measuring network installation plan determined and publicly notified by the Mayors/Do Governors under paragraph (2) within a target period.

**Article 5 (Expropriation and Use of Land, etc.)**

(1) The Minister of Environment or the Mayor/Do Governor may expropriate or use any land, buildings, or fixtures on the land necessary for installing measuring networks according to any measuring network installation plan publicly notified under Article 4.

(2) Procedures for expropriation or use under paragraph (1), compensation for loss, etc. shall be governed by the Act on the Acquisition of and Compensation for Land, etc. for Public Works Projects.

**Article 6 (Relation with other Acts)**

(1) When the Minister of Environment or the Mayor/Do Governor has determined and publicly notified a measuring network installation plan under Article 4, a permit to occupy and use roads prescribed in Article 61 of the Road Act shall be deemed to have been granted. <Amended by Act No. 8976, Mar. 21, 2008; Act No. 12248, Jan. 14, 2014>

(2) The Minister of Environment or the Mayor/Do Governor shall, if a measuring network installation plan under Article 4 contains matters concerning a permit to occupy and use roads referred to in paragraph (1), consult with the head of the relevant road management agency before he/she makes a determination and public announcement thereof.

**Article 7 (Examination and Assessment of Air Pollutants)**

(1) The Minister of Environment may examine and assess the hazard of matters that exist in the air in accordance with the following standards:

1. Toxicity;
2. Impacts on the ecosystem;
3. Quantity of emissions;
4. Pollution levels compared with the environmental standards established under Article 12 of the Framework Act on Environmental Policy.

(2) Detailed methods and procedures for the examination and assessment referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

### **Article 7-2 (Prediction and Announcement of Air Pollution Levels)**

(1) In order to minimize the impacts of air pollution on public health and property, the growth and development of animals and plants, or industrial activities, the Minister of Environment shall predict air pollution levels by utilizing an air flow prediction model, etc. and announce the results thereof.

(2) In announcing the results of prediction of air pollution levels under paragraph (1), the Minister of Environment shall utilize news media, including broadcasting companies, newspaper companies, and news agencies, or make it public in a way that adequately informs the general public thereof.

(3) Areas and pollutants subject to prediction and announcement of air pollution levels, and the standards for and methods of prediction and announcement, and other matters necessary for the prediction and announcement of air pollution levels shall be prescribed by Presidential Decree.

### **Article 7-3 (Designation of National Center for Integrated Control of Air Quality, Delegation, etc.)**

(1) In order to scientifically predict and announce air pollution levels under Article 7-2 and to systematically promote policies for the integrated control of air quality and for the improvement of the atmospheric environment, the Minister of Environment may operate a National Center for Integrated Control of Air Quality (hereafter in this Article referred to as the "Integrated Control Center"), designate a specialized institution prescribed by Presidential Decree such as a national or public research institute as the Integrated Control Center, and delegate the aforementioned duties to such institution.

(2) The Integrated Control Center shall perform the following duties:

1. Forecasting air pollution and provision of information on hazardous substances in the air;
2. Collection, analysis, and evaluation of data related to air pollution;
3. Assistance in the formulation of policies for the improvement of the atmospheric environment;
4. Other duties prescribed by Presidential Decree for the integrated control of air quality.

(3) The Minister of Environment shall subsidize, within budgetary limits, the expenses required by the Integrated Control Center designated under paragraph (1) for performing its duties.

(4) If the Integrated Control Center falls under any of the following, the Minister of Environment may revoke the designation or fully or partially suspend its business for a fixed period not exceeding six months: Provided, That in cases falling under subparagraph 1, he/she shall revoke the designation:

1. Where the designation is obtained by fraud or other wrongful means;
2. Where it performs duties in contravention of the matters designated;
3. Where it ceases to meet any of the standards for designation under paragraph (5);
4. Other cases prescribed by Ordinance of the Ministry of Environment, which correspond to paragraphs (1) through (3).

(5) Necessary matters relating to the standards, period, procedures, etc. for the designation and revocation of designation of the Integrated Control Center, shall be prescribed by Presidential Decree.

### **Article 8 (Air Pollution Alerts)**

(1) Where the air pollution level is deemed likely to cause serious harm to residents' health and property or to the birth and breeding of animals and plants as it exceeds the environmental standards for the air

provided in Article 12 of the Framework Act on Environmental Policy (hereinafter referred to as "environmental standards"), the Mayor/Do Governor may issue an air pollution alert to the relevant area. The Mayor/Do Governor shall cancel it as soon as the grounds for issuing the air pollution alert has ceased. <Amended by Act No. 10893, Jul. 21, 2011>

(2) If deemed necessary to urgently reduce air pollution in an area in which an air pollution alert is issued, the Mayor/Do Governor may issue an order to restrict the operation of motor vehicles, curtail working hours in places of business, or take other necessary measures in such area, upon setting a period.

(3) A person in receipt of an order to restrict the operation of motor vehicles, curtail working hours in places of business, etc. issued under paragraph (2) shall comply therewith, in the absence of any justifiable reasons to the contrary.

(4) Matters necessary for areas, pollutants and criteria for issuing air pollution alerts, levels of air pollution alerts, measures to be taken in each level, etc. shall be prescribed by Presidential Decree.

#### **Article 9 (Control on Emissions of Climate/Ecosystem-Changing Substances)**

(1) The Government shall pro-actively participate in international efforts, such as the exchange of environmental information and technologies with other countries to reduce the emissions of climate/ecosystem-changing substances.

(2) The Minister of Environment shall implement the following projects to reduce the emissions of climate/ecosystem-changing substances:

1. Projects related to research for the reduction of emissions of climate/ecosystem-changing substances and to the collection, recycling and development of substitutes therefor;
2. Projects related to surveys on the emission of climate/ecosystem-changing substances and the compilation of relevant statistics;
3. Projects related to the reduction of emissions of climate/ecosystem-changing substances and utilization of carbon trading markets;
4. Projects related to raising citizens' awareness of climate change and support for practice;
5. Projects related to the training of, and support for, human resources specializing in climate change;
6. Any other projects prescribed by Presidential Decree.

(3) In order to reduce the emissions of climate/ecosystem-changing substances, the Minister of Environment may implement the projects provided for in the subparagraphs of paragraph (2) by entrusting some of them to specialized institutions and provide them with necessary financial and technical support.

#### **Article 9-2 (Designation, Assessment, etc. of National Adaptation Center for Climate Change)**

(1) In order to establish and implement national measures for adaptation to climate change under Article 48 (4) of the Framework Act on Low Carbon, Green Growth, the Minister of Environment may designate a Korea Adaptation Center for Climate Change. <Amended by Act No. 13034, Jan. 20, 2015>

(2) The Korea Adaptation Center for Climate Change shall conduct projects related to adaptation to climate change prescribed by Presidential Decree, including surveys and research to promote measures for national adaptation to climate change. <Newly Inserted by Act No. 13034, Jan. 20, 2015>

(3) The Minister of Environment may assess the performance record, etc. of the Korea Adaptation Center for Climate Change. <Newly Inserted by Act No. 13034, Jan. 20, 2015>

(4) The Minister of Environment may, within budgetary limits, fully or partially subsidize expenses incurred by the Korea Adaptation Center for Climate Change in performing projects prescribed by Presidential Decree. <Newly Inserted by Act No. 13034, Jan. 20, 2015>

(5) Matters necessary for the designation, projects, assessment, etc. of the Korea Adaptation Center for Climate Change under paragraphs (1) through (3) shall be prescribed by Presidential Decree. <Amended by Act No. 13034, Jan. 20, 2015>

### **Article 9-3 (Management and Disposal of Refrigerants of Air Conditioners)**

(1) The Minister of Environment shall develop a management plan of the refrigerants of air conditioners among climate/ecosystem-changing substances, such as reducing their emissions and collecting and disposing of them. In such cases, the Minister of Environment shall consult in advance with the heads of the relevant central administrative agencies.

(2) The owners or managers of buildings and facilities where air conditioners using refrigerants are operated shall manage, collect and dispose of refrigerants in an appropriate manner pursuant to the management plan developed under paragraph (1).

(3) The scale of air conditioners, standards for buildings and facilities, methods of management, collection and disposal of refrigerants necessary for developing a management plan under paragraph (1) and other matters shall be prescribed by Ordinance of the Ministry of Environment.

### **Article 9-4 (Reporting on Sales of Refrigerants)**

(1) Manufacturers or importers of refrigerants shall submit a report on sales that states the types, quantities and sale places of the refrigerants, to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment: Provided, That the same shall not apply to cases prescribed by Ordinance of the Ministry of Environment where the current status, etc., of sales is ascertained pursuant to other statutes.

(2) If necessary to manage refrigerants, the Minister of Environment may request the heads of relevant central administrative agencies to provide relevant data; and, upon receipt of such request, the heads of the relevant central administrative agencies shall comply therewith, except in extenuating circumstances.

### **Article 10 (Prevention of Hindrance to Air Circulation)**

The heads of relevant central administrative agencies, the heads of local governments, and business entities shall, when establishing or implementing various kinds of development plans, take into consideration topography, direction and velocity of wind, arrangement of buildings and intervals between them, the passage of wind, etc. in a planned area and its neighboring areas to prevent any hindrance to the circulation of air pollutants.

### **Article 11 (Formulation, etc. of Comprehensive Plans to Improve Atmospheric Environment)**

(1) The Minister of Environment shall establish and implement a comprehensive plan to improve the atmospheric environment (hereinafter referred to as "comprehensive plan") every ten years in order to improve the atmospheric environment by reducing air pollutants and greenhouse gases.



(2) The comprehensive plans shall include the following matters: *<Amended by Act No. 11445, May 23, 2012>*

1. Current status of emission of air pollutants and outlook therefor;
2. Current status of change in the concentrations of greenhouse gases in the air and outlook therefor;
3. Setting goals to reduce air pollutants and measures to be taken in each field and step to attain such goals;
- 3-2. Matters concerning the degree of hazard that air pollution inflicts on national health, and setting hazard levels for improvement thereof;
- 3-3. Matters concerning the measurement, surveillance and observation of air pollutants subject to watch for hazard;
- 3-4. Setting goals to reduce specified hazardous air pollutants and measures to be taken in each field and step to attain such goals;
4. Setting goals to reduce emissions of greenhouse gases in the environmental field and measures to be taken in each field and step to attain such goals;
5. Matters concerning the assessment of the impacts of climate change and measures to adapt to climate change;
6. Establishing an integrated atmospheric environment management system correlating air pollutants to greenhouse gases;
7. Matters concerning international coordination and cooperation in connection with climate change;
8. Other matters necessary for improving the atmospheric environment.

(3) The Minister of Environment shall consult in advance with the heads of relevant central administrative agencies and gather the opinions through public hearings, etc. when establishing comprehensive plans.

*<Amended by Act No. 11256, Feb. 1, 2012>*

(4) When five years have elapsed since a comprehensive plan was established or it is deemed necessary to amend a comprehensive plan, the Minister of Environment may amend the comprehensive plan after examining the propriety of such amendment. In such cases, the Minister of Environment shall consult in advance with the heads of relevant central administrative agencies with regard thereto.

**Article 12 Deleted.** *<by Act No. 9931, Jan. 13, 2010>*

**Article 13 (Establishment, etc., of Comprehensive Measures for Prevention of Damage Caused by Long-Range Transboundary Air Pollutants)**

(1) The Minister of Environment shall consult with the heads of relevant central administrative agencies and hear opinions of the Mayors/Do Governors every five years for the prevention of damage caused by long-range transboundary air pollutants in order to formulate comprehensive measures for the prevention of damage caused by long-range transboundary air pollutants (hereinafter referred to as "comprehensive measures"), undergoing deliberation by the Committee on the Prevention of Long-range Transboundary Air Pollutants pursuant to Article 14. The same shall apply to alteration of any of the significant matters prescribed by Presidential Decree from among the comprehensive measures. *<Amended by Act No. 13528, Dec. 1, 2015>*

(2) The comprehensive measures shall include all of the following matters: <Amended by Act No. 13528, Dec. 1, 2015>

1. Current status of creation of long-range transboundary air pollutants and prospect therefor;
2. Records of implementation of comprehensive measures and evaluation thereof;
3. Domestic measures for the prevention of damage caused by long-range transboundary air pollutants;
4. International cooperation to reduce creation of long-range transboundary air pollutants;
5. Any other necessary matters for the prevention of damage caused by long-range transboundary air pollutants.

(3) When the Minister of Environment has established comprehensive measures, he/she shall notify the heads of relevant central administrative agencies and the Mayors/Do Governors thereof.

(4) The heads of relevant central administrative agencies and the Mayors/Do Governors shall establish and implement action plans within the scope of their authority each year, as prescribed by Presidential Decree. In such cases, the heads of relevant central administrative agencies and the Mayors/Do Governors shall submit the action plans and the results thereof to the Minister of Environment.

#### **Article 14 (Committee on Prevention of Long-Range Transboundary Air Pollutants)**

(1) A Committee on the Prevention of Long-range Transboundary Air Pollutants (hereinafter referred to as the "Committee") shall be established within the Ministry of Environment to deliberate and coordinate on the following matters concerning the prevention of damage caused by long-range transboundary air pollutants: <Amended by Act No. 13528, Dec. 1, 2015>

1. Matters concerning the establishment and modification of comprehensive measures;
2. Matters concerning policies by field, related to the prevention of damage caused by long-range transboundary air pollutants;
3. Matters concerning the current status of implementation of comprehensive measures and measures for public-private cooperation;
4. Any other matters deemed by the chairperson necessary for the prevention of damage caused by long-range transboundary air pollutants.

(2) The Committee shall be comprised of no more than 25 members, including one chairperson.

(3) The Vice-Minister of Environment shall be the chairperson of the Committee, and the following persons who are commissioned or appointed by the Minister of Environment, shall be members of the Committee: <Amended by Act No. 11445, May 23, 2012>

1. Public officials of the central administrative agencies prescribed by Presidential Decree;
2. Experts with extensive knowledge about and experience in each of the fields prescribed by Presidential Decree.

(4) A working committee shall be established within the Committee to efficiently operate the Committee and support smooth deliberations.

(5) In order to conduct surveys and research necessary for establishing and implementing the comprehensive measures and programs referred to in Article 13 (4), the Research Center for Long-range

Transboundary Air Pollutants shall be established within the Committee. <Newly Inserted by Act No. 11445, May 23, 2012; Act No. 13528, Dec. 1, 2015>

(6) Matters necessary for the composition and operation of the Committee, the working committee and the Research Center for Long-range Transboundary Air Pollutants and other matters shall be prescribed by Presidential Decree. <Amended by Act No. 11445, May 23, 2012; Act No. 13528, Dec. 1, 2015>

#### **Article 15 (International Cooperation to Prevent Damage Caused by Long-Range Transboundary Air Pollutants)**

The Government shall endeavor to promote the following activities in cooperation with relevant countries in order to prevent damage caused by long-range transboundary air pollutants: <Amended by Act No. 11907, Jul. 16, 2013; Act No. 13528, Dec. 1, 2015>

1. Holding, supporting and participating in various events, such as international conferences and academic conferences;
2. Exchanges of technology and human resources, and cooperation, between relevant countries and with international organizations;
3. Supporting research on long-range transboundary air pollutants, and disseminating findings of the research;
4. Education and public relations on long-range transboundary air pollutants in the international community;
5. Raising financial resources to prevent damage caused by long-range transboundary air pollutants;
6. Establishing an air pollution monitoring system and implementing environmental cooperation and conservation projects in Northeast Asia;
7. Any other matters necessary for international cooperation.

#### **Article 16 (Permissible Emission Levels)**

(1) The permissible emission levels of air pollutants (hereinafter referred to as "pollutants") emitted from air pollutant-emitting facilities (hereinafter referred to as "emission facilities") shall be determined by Ordinance of the Ministry of Environment.

(2) The Minister of Environment shall consult with the heads of the relevant central administrative agencies when determining the permissible emission levels pursuant to paragraph (1). <Amended by Act No. 11256, Feb. 1, 2012>

(3) Where it is deemed impracticable to maintain the regional environmental standards referred to in Article 12 (3) of the Framework Act on Environmental Policy, or it is deemed necessary for improving air quality in an air quality control area designated under Article 18, the Special Metropolitan City, a Metropolitan City, a Metropolitan Autonomous City, a Do (excluding a city with the population of at least 500,000 among its jurisdictional areas; hereafter the same shall apply in this Article, Articles 18 through 21, 44 and 45), or a Special Self-Governing Province (hereinafter referred to as "City/Do"), or a Si with the population of at least 500,000, excluding the Special Metropolitan City, a Metropolitan City, and a Metropolitan Autonomous City (hereinafter referred to as "large city"), may establish permissible

emission levels (including the addition of standard items and the time frame for applying the standards) more stringent than those determined under paragraph (1) by Municipal Ordinance of the relevant City/Do or relevant large city. *<Amended by Act No. 10893, Jul. 21, 2011; Act No. 11445, May 23, 2012>*

(4) Where the permissible emission levels referred to in paragraph (3) have been determined or altered, the relevant Mayor/Do Governor or the Mayor of the relevant large city shall report to the Minister of Environment thereon without delay and take necessary measures to make it known to interested persons. *<Amended by Act No. 11445, May 23, 2012>*

(5) Where the Minister of Environment deems it necessary for preventing air pollution in a special measures area designated under Article 38 of the Framework Act on Environmental Policy (hereinafter referred to as "special measures area"), he/she may establish more stringent permissible emission levels than those determined under paragraph (1) with respect to emission facilities installed in such area and establish special permissible emission levels for new emission facilities installed in such area. *<Amended by Act No. 10893, Jul. 21, 2011>*

(6) If any area exists which is not subject to the permissible emission levels prescribed by municipal ordinance under paragraph (3) within a City/Do or a large city which is subject to such permissible emission levels, the permissible emission levels prescribed by municipal ordinance shall also apply to the emission facilities installed or to be installed in such area. *<Amended by Act No. 11445, May 23, 2012>*

#### **Article 17 (Surveys on Sources and Quantities of Emissions of Air Pollutants)**

(1) The Minister of Environment shall conduct a survey on the emission sources and emission quantities of air pollutants nationwide to rationally establish and implement comprehensive plans, mid-term comprehensive plans for environmental preservation under Article 17 of the Framework Act on Environmental Policy, and the master plans for metropolitan atmospheric environment control under Article 8 of the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area. *<Amended by Act No. 10893, Jul. 21, 2011>*

(2) The Mayor/Do Governor and the head of a local environmental government office shall conduct a survey on emission sources and emission quantities of air pollutants from emission facilities, etc. in his/her jurisdictions, as prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment or the Mayor/Do Governor may request the heads of the relevant agencies to submit materials or provide assistance necessary to conduct surveys on emission sources and emission qualities of air pollutants pursuant to paragraph (1) or (2). In such cases, the heads of the relevant agencies in receipt of such request shall comply therewith without any extraordinary reason.

(4) Matters necessary for methods and procedures for conducting surveys on emission sources and emission qualities of air pollutants under paragraphs (1) and (2), calculation methods of emission quantities, etc. shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 18 (Designation of Air Quality Control Areas)**

(1) The Minister of Environment may designate and announce areas deemed in need of improvement of air quality among areas which exceed or are likely to exceed the environmental standards as an air quality

control area.

(2) If the Minister of Environment acknowledges that the influx of air pollutants from neighboring areas has substantial influence on exceeding the environmental standards in light of topography, weather conditions, etc. when designating or announcing an air quality control area pursuant to paragraph (1), he/she may include such neighboring areas in the air quality control areas, after hearing opinions of the Mayor/Do Governor or the Mayor of a large city having jurisdiction over such areas in which such air pollutants are generated. *<Amended by Act No. 11445, May 23, 2012>*

(3) Matters concerning detailed criteria and procedures necessary for the designation of air quality control areas under paragraph (1) and other matters shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 19 (Formulation, Implementation, and Evaluation of Action Plans)**

(1) The Mayor/Do Governor or the Mayor of a large city who has jurisdiction over an air quality control area shall formulate a plan (hereinafter referred to as "action plan") to meet and maintain the environment standards applicable to the air quality control area, according to the details and procedures prescribed by Ordinance of the Ministry of Environment within two years after such air quality control area is designated and announced, and implement such plan after obtaining approval from the Minister of Environment. The same shall apply to the modification thereof. *<Amended by Act No. 11445, May 23, 2012>*

(2) Where the Minister of Environment intends to approve an action plan under paragraph (1), he/she shall consult in advance with the heads of the relevant central administrative agencies and publicly notify it upon granting approval thereof.

(3) The Mayor/Do Governor or the Mayor of a large city shall prepare a statement on the implementation outcomes of an action plan, as prescribed by Ordinance of the Ministry of Environment and submit it to the Minister of Environment. *<Amended by Act No. 11445, May 23, 2012>*

(4) The Minister of Environment shall evaluate the implementation outcomes submitted under paragraph (3) on a regular basis, as prescribed by Ordinance of the Ministry of Environment, and require the Mayors/Do Governors or the Mayors of large cities to factor the findings from such evaluation into the formulation and implementation of an action plan. *<Amended by Act No. 11445, May 23, 2012>*

(5) The Minister of Environment may entrust specialized institutions with surveys, analyses, etc. necessary for efficiently conducting evaluations under paragraph (4).

#### **Article 20 (Financial Support, etc. to Fulfill Action Plans within Target Period)**

(1) The heads of the relevant central administrative agencies may provide financial and technical support necessary for fulfilling an action plan within a target period.

(2) Where the Mayor/Do Governor or the Mayor of a large city having jurisdiction over an air quality control area fails to formulate or implement an action plan, the Minister of Environment may take measures, such as reducing environment-related governmental subsidies and suspending the payment of governmental subsidies provided by the State to the relevant local government, or request the head of a relevant central administrative agency to take such measures. In such cases, the head of the relevant

central administrative agency in receipt of such request shall comply therewith without any extraordinary reason. <Amended by Act No. 11445, May 23, 2012>

#### **Article 21 (Cancellation of Designation of Air Quality Control Areas)**

(1) When the goals and conditions for improvement prescribed by Ordinance of the Ministry of Environment have been satisfied since the relevant area was designated and publicly notified as an air quality control area, the Mayor/Do Governor or the Mayor of a large city having jurisdiction over an air quality control area may request the Minister of Environment to cancel the designation of an air quality control area, along with the outcomes thereof and a plan to maintain the outcomes (hereinafter referred to as "air quality management plan"). <Amended by Act No. 11445, May 23, 2012>

(2) Upon receipt of a request from the Mayor/Do Governor or the Mayor of a large city to cancel the designation of an air quality control area under paragraph (1), the Minister of Environment may cancel the designation of the air quality control area, after examining whether the relevant area has met the environmental standards, and its air quality management plan. In such cases, the Minister of Environment shall publicly notify the details thereof. <Amended by Act No. 11445, May 23, 2012>

(3) Details to be included in an air quality management plan and matters necessary for detailed criteria and procedures necessary for the cancellation of designation of an air quality control area and other matters shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 22 (Regulation of Total Quantity)**

(1) The Minister of Environment may, in cases of a zone which he/she deems likely to pose a serious harm to the health and property of the residents and the birth and breeding of animals and plants because its condition of air pollution exceeds the environmental standards, or a zone densely crowded with places of business within a special measures area, regulate the total quantity of pollutants emitted from the places of business located in such zones.

(2) Items and methods of regulation of the total quantity as referred to in paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 23 (Permits and Reporting on Installation of Emission Facilities)**

(1) Any person who intends to install emission facilities shall obtain a permit from the relevant Mayor/Do Governor or file a report thereon to the relevant Mayor/Do Governor, as prescribed by Presidential Decree. <Amended by Act No. 11445, May 23, 2012>

(2) Where a person who has obtained a permit under paragraph (1) intends to alter any of the significant matters prescribed by Presidential Decree among the permitted matters, he/she shall obtain a permit for such alteration, and where he/she intends to alter other matters, he/she shall file a report on alteration.

(3) Where a person who has filed a report under paragraph (1) intends to alter matters in the report, he/she shall file a report on alteration, as prescribed by Ordinance of the Ministry of Environment.

(4) Where a person who intends to obtain a permit to install emission facilities or a permit for alteration thereof, or file a report on the installation of emission facilities or a report on alteration thereof under paragraphs (1) through (3) falls under the provisos to Articles 26 (1), 28, 41 (3) and 42, and intends to

install or alter the jointly-managed prevention facilities referred to in Article 29, he/she shall present documents prescribed by Ordinance of the Ministry of Environment.

(5) The criteria for granting a permit or a permit for alteration referred to in paragraphs (1) and (2) shall be as follows:

1. Pollutants emitted from the relevant emission facilities must be in compliance with the permissible emission levels prescribed under Article 16 or 29 (3);
2. The provisions pertaining to restrictions on the installation of emission facilities under other Acts must not be violated.

(6) If the Mayor/Do Governor deems that specified air pollutants emitted from emission facilities or air pollutants emitted from emission facilities located in a special measures area make it impracticable to maintain the environmental standards or are likely to cause serious harm to the health and property of residents and the birth and breeding of animals and plants, he/she may restrict the installation of emission facilities which emit specified air pollutants or the installation of emission facilities in the special measures area, as prescribed by Presidential Decree. *<Amended by Act No. 11445, May 23, 2012>*

#### **Article 24 (Constructive Permits under other Statutes)**

(1) Where a person who intends to install emission facilities has obtained a permit to install the emission facilities or a permit for alteration thereof, or has filed a report on installation or report on alteration thereof under Article 23 (1) through (3), he/she shall be deemed to have obtained a permit or a permit for alteration, or has filed a report or report on alteration under the following subparagraphs in relation to such emission facilities: *<Amended by Act No. 8466, May 17, 2007; Act No. 9770, Jun. 9, 2009; Act No. 14532, Jan. 17, 2017>*

1. A permit to install discharge facilities or a permit for alteration, or a report on the installation of discharge facilities or a report on alteration under Article 33 (1) through (3) of the Water Environment Conservation Act;
2. A permit to install emission facilities, or a report on the installation of emission facilities or a report on alteration under Article 8 (1) or (2) of the Noise and Vibration Control Act.

(2) Where a Mayor/Do Governor intends to grant a permit to install emission facilities which contain a matter referred to in any subparagraph of paragraph (1) or a permit for alteration thereof, he/she shall consult with the head of the relevant administrative agency having authority to grant permits or receive reports referred to in any subparagraph of paragraph (1). *<Amended by Act No. 11445, May 23, 2012>*

(3) Where a person who intends to engage in the business of generating fugitive dust that falls under the specific construction works referred to in Article 22 (1) of the Noise and Vibration Control Act has filed a report on the business of generating fugitive dust pursuant to Article 43 (1) of this Act or a report on alteration thereof, he/she shall be deemed to have filed a report on specific construction works or a report on alteration thereof pursuant to Article 22 (1) or (2) of the Noise and Vibration Control Act. *<Amended by Act No. 9770, Jun. 9, 2009>*

(4) Deleted. <by Act No. 11445, May 23, 2012>

(5) A person who intends to obtain a constructive permit, etc., pursuant to paragraphs (1) and (3) shall submit the relevant documents prescribed by the relevant Acts at the time he/she applies for a permit or permit for alteration or files a report or report on alteration. <Newly Inserted by Act No. 11256, Feb. 1, 2012>

**Article 25 (Classification of Places of Business)**

(1) The Minister of Environment shall classify places of business into Types I through V according to the quantity of pollutants emitted from the emission facilities of a relevant place of business in order to ensure the efficient installation and management of emission facilities.

(2) Standards for classifying places of business as referred to in paragraph (1) shall be prescribed by Presidential Decree.

**Article 26 (Installation, etc. of Prevention Facilities)**

(1) When a person who has obtained a permit or permit for alteration, or has filed a report on installation or report on alteration under Article 23 (1) through (3) (hereinafter referred to as "business entity") installs or alters the relevant emission facilities, he/she shall install air pollution prevention facilities (hereinafter referred to as "prevention facilities") to ensure that pollutants from such emission facilities meet the permissible emission levels prescribed under Article 16: Provided, That he/she may be not required to install such prevention facilities, where they meet the permissible emission levels prescribed by Presidential Decree.

(2) Any person who installs and operates emission facilities without installing prevention facilities under the proviso to paragraph (1) shall install the prevention facilities in either of the following circumstances:

1. Where pollutants from the emission facilities are likely to exceed the permissible emission levels due to a change in their process or change of raw materials, fuel, etc.;
2. Any other cases prescribed by Ordinance of the Ministry of Environment in consideration of the possibility of complying with the permissible emission levels.

(3) The Minister of Environment may provide support for the installation of facilities having a combustion control system, and entrust relevant specialized institutions with the affairs related to support for the installation of facilities having a combustion control system. <Newly Inserted by Act No. 11445, May 23, 2012>

**Article 27 (Succession, etc. to Rights and Duties)**

(1) Where a business entity transfers an emission facility or prevention facility or is dead, or a corporate business entity is merged with another company, the transferee or successor thereof, or the corporation surviving the merger or corporation newly established in the course of the merger shall succeed to the rights and duties of the business entity, which has resulted from a permit, a permit for alteration, a report on installation, or report on alteration.

(2) Where a person leases emission facilities or prevention facilities, the leaser shall be construed as a business entity for the purposes of Articles 31 through 35, 35-2 through 35-4, 36 (excluding revocation of a permit), 39, 40 and 82 (1) 1. <Amended by Act No. 11256, Feb. 1, 2012>



(3) A person who acquires an emission facility or prevention facility of a business entity through any of the following procedures shall succeed to the rights and duties of the previous business entity which has resulted from a permit, permit for alteration, a report on installation, or report on alteration. In such cases, a permit, etc. granted to the previous business entity shall become invalid: <Newly Inserted by Act No. 11256, Feb. 1, 2012; Act No. 14476, Dec. 27, 2016>

1. Auction prescribed in the Civil Execution Act;
2. Conversion prescribed in the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of seized property prescribed in the National Tax Collection Act, the Customs Act, or the Local Tax Collection Act;
4. Any other procedures equivalent to those prescribed in subparagraphs 1 through 3.

#### **Article 28 (Design and Construction of Prevention Facilities)**

The installation or alteration of prevention facilities shall be designed and constructed by a person registered as a specialized environmental construction business entity under Article 15 of the Development of and Support for Environmental Technology Act: Provided, That the same shall not apply where prevention facilities prescribed by Ordinance of the Ministry of Environment are installed and where a business entity himself/herself designs and constructs prevention facilities, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8957, Mar. 21, 2008; Act No. 10615, Apr. 28, 2011>

#### **Article 29 (Installation, etc. of Jointly-Managed Prevention Facilities)**

(1) Business entities in industrial complexes or other areas where lots of business places are densely located may install jointly-managed prevention facilities to jointly treat pollutants emitted from emission facilities. In such cases, each business entity shall be considered to have installed prevention facilities for pollutants in his/her place of business.

(2) A business entity shall, when installing and operating jointly-managed prevention facilities, establish an organization to operate such facilities and assign a representative to the organization.

(3) The permissible emission levels for jointly-managed prevention facilities may be determined differently from those determined under Article 16, and such permissible emission levels and matters necessary for the installation and operation of jointly-managed prevention facilities shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 30 (Reports on Commencement of Operation of Emission Facilities, etc.)**

(1) When a business entity who has completed the installation of emission facilities or prevention facilities or alteration of emission facilities (limited to alterations, not smaller than the scale prescribed by Presidential Decree in cases of alterations after filing a report on alteration) intends to operate the emission facilities or prevention facilities, he/she shall, in advance, file a report on the commencement of operation to the relevant Mayor/Governor, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11445, May 23, 2012>

(2) Articles 33 through 35 shall not apply to facilities prescribed by Presidential Decree, such as nitrogen oxides reduction facilities in the power plant among the emission facilities or prevention facilities reported

under paragraph (1) during a period prescribed by Ordinance of the Ministry of Environment.

### **Article 31 (Operation of Emission Facilities and Prevention Facilities)**

(1) No business entity (including the representative of jointly-managed prevention facilities installed under Article 29 (2)) shall engage in any of the following activities when operating emission facilities and prevention facilities: *<Amended by Act No. 11256, Feb. 1, 2012; Act No. 13034, Jan. 20, 2015>*

1. Operating emission facilities without operating prevention facilities or emitting pollutants from emission facilities, by mixing with the air to lower the pollution level: Provided, That this shall not apply in cases acknowledged by a Mayor/Do Governor as necessary for the prevention of fire, explosion, or any other accidents;
2. Installing air control devices, branch emission pipes, etc. to emit pollutants without passing through prevention facilities: Provided, That this shall not apply in cases acknowledged by a Mayor/Do Governor as necessary for the prevention of fire, explosion, or any other accidents;
3. Neglecting emission facilities or prevention facilities leaking pollutants due to corrosion and abrasion without just cause;
4. Neglecting broken or damaged machines and tools fitted to prevention facilities without just cause;
5. Failing to normally operate emission facilities or prevention facilities without just cause, thereby discharging pollutants in excess of the permissible emission levels.

(2) A business entity shall, when in operation, make a factual record on the state of operation of emission facilities and prevention facilities and keep it, as prescribed by Ordinance of the Ministry of Environment.

### **Article 32 (Installation, etc. of Measuring Devices)**

(1) Each business entity shall ensure that emission facilities and prevention facilities are properly operated by taking measures, such as the installation of measuring devices, to ascertain whether the pollutants discharged from such emission facilities meet the permissible emission levels determined under Articles 16 and 29 (3): Provided, That where a business entity is a small or medium enterprise as defined in Article 2 of the Framework Act on Small and Medium Enterprises, the Minister of Environment or the relevant Mayor/Do Governor may take measures, such as the installation and operation of measuring devices, with the consent of the business entity. *<Amended by Act No. 11445, May 23, 2012>*

(2) Matters necessary for the types and standards of the measures referred to in paragraph (1) and other matters shall be prescribed by Presidential Decree.

(3) No business entity shall engage in any of the following activities with respect to any measuring device installed pursuant to paragraph (1): *<Amended by Act No. 11445, May 23, 2012>*

1. Failing to operate the measuring device intentionally, or preventing the normal operation of the measuring device while the emission facilities are in operation;
2. Neglecting a measuring device which malfunctions due to corrosion, abrasion, breakdown, or damage without just cause (limited to a measuring device installed under the main body of paragraph (1));
3. Damaging a measuring device intentionally;

4. Omitting measurement results by manipulating the measuring device or compiling false measurement results.

(4) The Minister of Environment, the Mayors/Do Governors, and business entities who have installed measuring devices under paragraph (1) shall comply with the operation and management standards for measuring devices prescribed by Ordinance of the Ministry of Environment to maintain the reliability and accuracy of the results measured by such measuring devices. *<Amended by Act No. 11445, May 23, 2012>*

(5) The Mayor/Do Governor may order a business entity who fails to meet any of the operation and management standards for measuring devices referred to in paragraph (4) to take necessary measures to operate and manage his/her measuring devices in compliance with such standards, within a certain period, as prescribed by Presidential Decree. *<Amended by Act No. 11445, May 23, 2012>*

(6) Where a person in receipt of an order to take measures pursuant to paragraph (5) fails to comply therewith, the Mayor/Do Governor may order the person to fully or partially suspend the operation of the relevant emission facilities. *<Amended by Act No. 11445, May 23, 2012>*

(7) The Minister of Environment may operate a computer network capable of electronically processing the measurement results as linked to measuring devices installed at places of business under paragraph (1) and provide technical assistance to enable the Mayors/Do Governors or business entities to maintain and manage the measuring devices in a normal state. *<Amended by Act No. 11445, May 23, 2012>*

(8) Where the Minister of Environment operates a computer network capable of electronically processing the measurement results under paragraph (7), he/she shall regularly disclose the electronically processed results on its official website, etc. In such case, matters necessary for the frequency, method, etc., of disclosure, shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 13034, Jan. 20, 2015>*

(9) Expenses incurred in taking measures, such as installation and operation of measuring devices under the proviso to paragraph (1) and expenses incurred in operating and managing measuring devices under paragraph (4) (limited to the measuring devices installed and operated by the Minister of Environment or Mayors/Do Governors) shall be borne by the State if they are installed by the Minister of Environment; and by the relevant City/Do if they are installed by a Mayor/Do Governor. *<Newly Inserted by Act No. 11445, May 23, 2012>*

(10) A person who has installed measuring devices pursuant to paragraph (1) may have a person who has been registered for an agency business for managing measuring devices pursuant to Article 32-2 (1) (hereinafter referred to as "agent for managing measuring devices") manage the measuring devices on his/her behalf. *<Newly Inserted by Act No. 13874, Jan. 27, 2016>*

#### **Article 32-2 (Registration of Agency Business for Managing Measuring Devices)**

(1) A person who intends to run an agency business for managing measuring devices to maintain the reliability and accuracy of the results measured by such measuring devices under Article 32 (4) (hereinafter referred to as "agency business for managing measuring devices") shall be registered with the Minister of Environment after meeting the standards for facilities, equipment, technical personnel, etc. The same shall also apply where it intends to alter any of the significant matters prescribed by Presidential

Decree among registered matters.

(2) None of the following persons shall be registered for an agency business for managing measuring devices:

1. A person under adult guardianship or a person under limited guardianship;
2. A bankrupt who has not been reinstated;
3. A person for whom two years have not passed since the execution of his/her imprisonment with prison labor or heavier punishment sentenced to by a court for violating this Act was terminated (including where such execution is deemed to have been terminated) or exempted;
4. A person for whom two years have not passed since the registration was canceled under Article 32-3 (excluding where the registration was canceled because the relevant person falls under Article 32-2 (2) 1 or 2);
5. A corporation which has a person falling under any of subparagraphs 1 through 4, among its executives.

(3) The Minister of Environment shall issue a registration certificate prescribed by Ordinance of the Ministry of Environment to an agent for managing measuring devices.

(4) No agent for managing measuring devices shall allow a third person to perform affairs of managing measuring devices using his/her name, or lend his/her registration certificate to a third person.

(5) An agent for managing measuring devices shall comply with the management standards prescribed by Ordinance of the Ministry of Environment to maintain the reliability and accuracy of the results measured by such measuring devices.

**Article 32-3 (Revocation, etc., of Registration of Agency Business for Managing Measuring Devices)**

(1) Where an agent for managing measuring devices falls under any of the following, the Minister of Environment may revoke his/her registration or issue an order to suspend all or part of his/her business for a given period not exceeding six months: Provided That where an agent for managing measuring devices falls under subparagraph 1, 4, 5 or 7, his/her registration shall be revoked:

1. Where he/she has been registered by fraud or other improper means;
2. Where he/she fails to commence business within two years after registration, or produces no business results for at least two consecutive years;
3. Where he/she fails to meet the registration standards referred to in Article 32-2 (1);
4. Where he/she falls under any ground for disqualification referred to in Article 32-2 (2): Provided, That the same shall not apply where he/she falls under the ground for disqualification referred to in Article 32-2 (2) 5 and such ground for disqualification ceases to exist within two months from the date such ground occurs;
5. Where he/she allows a third person to perform the affairs of managing measuring devices using his/her name, or lend his/her registration certificate to a third person, in violation of Article 32-2 (4);
6. Where he/she violates the management standards referred to in Article 32-2 (5);

7. Where he/she runs an agency business for managing measuring devices by proxy during a period of business suspension.

(2) Detailed standards for administrative dispositions to be taken under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

### **Article 33 (Orders for Improvement)**

When a Mayor/Do Governor deems that the level of pollutants emitted from an emission facility which is in operation after filing of the report referred to in Article 30 violates the permissible emission levels prescribed under Article 16 or 29 (3), he/she may order the relevant business entity (including the representative of the jointly-managed prevention facilities under Article 29 (2)) to take necessary measures to ensure that the level of pollutants meet the permissible emission levels, upon setting a period, as prescribed by Presidential Decree (hereinafter referred to as "order for improvement"). *<Amended by Act No. 11445, May 23, 2012>*

### **Article 34 (Orders, etc. to Suspend Operation)**

(1) If a person in receipt of an order for improvement issued under Article 33 fails to carry out such order for improvement or is found to continue to exceed the permissible emission levels determined under Article 16 or 29 (3) as a result of inspection even though he/she has carried out the order for improvement within the specified period, the relevant Mayor/Do Governor may order the person to fully or partially suspend the operation of the relevant emission facilities. *<Amended by Act No. 11445, May 23, 2012>*

(2) Where the Mayor/Do Governor deems that air pollution poses imminent damage to residents' health and the environment, he/she may immediately issue an order to restrict operating hours, to suspend operation, or to take other necessary measures with respect to the relevant emission facilities, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 11445, May 23, 2012>*

### **Article 35 (Imposition and Collection of Emission Charges)**

(1) To prevent or reduce damage to the atmospheric environment, which is caused by air pollutants, the Mayors/Do Governors shall impose emission charges on, and collect such charges from, the following business entities or persons: *<Amended by Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012>*

1. A business entity who emits air pollutants (including persons who install and operate jointly-managed prevention facilities pursuant to Article 28);
2. A person who installs or alters emission facilities without obtaining a permit or permit for alteration, or filing a report or report on alteration under Article 23 (1) through (3).

(2) Emission charges referred to in paragraph (1) shall be classified and imposed as follows: *<Amended by Act No. 11256, Feb. 1, 2012; Act No. 13039, Jan. 20, 2015>*

1. Basic charges: An amount imposed on any business entity who emits air pollutants in compliance with the permissible emission levels, based on the quantity, concentration, etc. of such pollutants emitted;
2. Excess charges: An amount imposed on any business entity who emits air pollutants in excess of the permissible emission levels, based on the quantity, concentration, etc. of such pollutants emitted.

(3) In imposing emission charges under paragraph (1), the Mayors/Do Governors shall take the following matters into consideration: *<Amended by Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012>*

1. Whether the permissible emission levels are exceeded;
2. The kinds of pollutants emitted;
3. The emission period of pollutants;
4. The quantity of the pollutants emitted;
5. Whether self-measurement referred to in Article 39 was performed;
6. Any other matters prescribed by Ordinance of the Ministry of Environment with respect to air pollution or improvement of the atmospheric environment.

(4) Matters necessary for the method of, and standards for calculating emission charges referred to in paragraphs (1) and (2) and other matters shall be prescribed by Presidential Decree. *<Amended by Act No. 11256, Feb. 1, 2012>*

(5) Where a person who shall pay an emission charge imposed under paragraph (1) fails to pay it by the payment deadline, the relevant Mayor/Do Governor shall collect surcharges. *<Amended by Act No. 11445, May 23, 2012>*

(6) Articles 30 and 31 of the Local Tax Collection Act shall apply mutatis mutandis to surcharges collected under paragraph (5). *<Amended by Act No. 11445, May 23, 2012; Act No. 14476, Dec. 27, 2016>*

(7) Emission charges referred to in paragraph (1) and surcharges referred to in paragraph (5) shall be accounted as the revenue of the Special Account for Environmental Improvement prescribed in the Framework Act on Environmental Policy (hereinafter referred to as "Special Account for Environmental Improvement"). *<Amended by Act No. 10893, Jul. 21, 2011>*

(8) Where a Mayor/Do Governor has collected emission charges and surcharges in his/her jurisdiction, the Minister of Environment may grant some of the collected emission charges and surcharges to him/her as collection expenses, as prescribed by Presidential Decree. *<Amended by Act No. 11445, May 23, 2012>*

(9) Where a person who shall pay an emission charge or surcharge fails to pay it by the payment deadline, the relevant Mayor/Do Governor shall collect it in accordance with the Act on the Collection, etc. of Local Non-Tax Revenue. *<Amended by Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012; Act No. 11998, Aug. 6, 2013>*

#### **Article 35-2 (Reduction of, Exemption, etc. from Emission Charges)**

(1) Notwithstanding Article 35 (1), no emission charges prescribed in Article 35 shall be imposed on any of the following persons, as prescribed by Presidential Decree:

1. A business entity who operates emission facilities using fuel prescribed by Presidential Decree;
2. A business entity who has installed the optimum prevention facilities prescribed by Presidential Decree;
3. A person who operates military facilities prescribed by the Minister of Environment following consultation with the Minister of National Defense, as prescribed by Presidential Decree.

(2) Emission charges prescribed in Article 35 may be reduced or exempted for any of the following persons, as prescribed by Presidential Decree: Provided, That the emission charges to be charged to a business entity referred to in subparagraph 2 shall be reduced or exempted within the amount of disposal expenses borne by the business entity under relevant Acts:

1. A business entity who operates emission facilities prescribed by Presidential Decree;
2. A business entity who bears the costs of treating air pollutants under other Acts.

**Article 35-3 (Adjustment, etc. of Emission Charges)**

(1) Where any of the grounds prescribed by Presidential Decree exists, the Mayor/Do Governor shall recalculate and adjust the charges, and impose or refund the difference by acknowledging a change in the state of the pollutants emitted, etc. from the first measurement, including the case in which the quantity of the pollutants emitted is changed when re-measured after the imposition of emission charges. *<Amended by Act No. 11445, May 23, 2012>*

(2) Matters necessary for the method of calculation and adjustment, and procedure for refund under paragraph (1) and other matters shall be prescribed by Presidential Decree.

**Article 35-4 (Deferment of Collection and Installment Payments of Emission Charges, and Procedure for Collection thereof)**

(1) If a Mayor/Do Governor deems a person who shall pay emission charges is unable to pay them by the payment deadline on any of the following grounds, he/she may defer the collection thereof or allow such person to pay them in installments: *<Amended by Act No. 11445, May 23, 2012>*

1. Where a serious loss has occurred to a business entity's property due to a natural disaster or any other catastrophe;
2. Where he/she faces a serious crisis in management due to a loss of business;
3. Where deferment of collection or installment payment is deemed inevitable on any grounds equivalent to those stipulated under subparagraph (1) or (2).

(2) Where the amount of emission charges is at least two times the capital or total amount of investment (referring to total amount of assets, in cases of individual business entities) of a person liable to pay them and the collection of the emission charges is deemed impracticable even until the lapse of the period for deferment of collection on the grounds prescribed in the subparagraphs of paragraph (1), the period for deferment of collection may be extended or the number of installment payments may be increased for the collection thereof.

(3) When a Mayor/Do Governor determines the deferment of collection under paragraph (1) or (2), he/she may request an obligor to provide security equivalent to the amount so deferred. *<Amended by Act No. 11445, May 23, 2012>*

(4) If a person liable for payment for whom the collection has been deferred falls under any of the following cases, the relevant Mayor/Do Governor may revoke the deferment of collection and collect the emission charges, the collection of which has been deferred: *<Amended by Act No. 11445, May 23, 2012>*

1. Where he/she fails to pay the charges, the collection of which has been deferred by the payment deadline;
  2. Where he/she fails to comply with an order issued by the Mayor/Do Governor for the change or preservation of security;
  3. Where the deferment of collection is deemed unnecessary due to the change of property status or other circumstances.
- (5) The period for deferment of collection of emission charges or the method of making installment payments under paragraph (1), the extension of the period for deferment of collection under paragraph (2) and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 36 (Revocation, etc. of Permits)**

Where a business entity falls under any of the following cases, the relevant Mayor/Do Governor may revoke a permit to install emission facilities or a permit for alteration thereof, or issue an order to close the relevant emission facilities or suspend the operation of the relevant emission facilities, within a given period not exceeding six months: Provided, That where a business entity falls under any of subparagraphs 1, 2, 10, 11 and 18 through 20, the relevant Mayor/Do Governor shall revoke a permit to install emission facilities or a permit for alteration thereof, or issue an order to close the relevant emission facilities:  
<Amended by Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012>

1. Where he/she obtains a permit for installation or permit for alteration by fraudulent or any other wrongful means;
2. Where he/she files a report on installation or report on alteration by fraudulent or other illegal means;
3. Where he/she fails to obtain a permit for alteration or file a report on alteration under Article 23 (2) or (3);
4. Where he/she installs and operates emission facilities without installing prevention facilities required under the main body of Article 26 (1), or (2);
5. Where he/she starts operation without filing a report on the commencement of operation under Article 30 (1);
6. Where he/she engages in any activity referred to in any subparagraph of Article 31 (1);
7. Where he/she falsely makes a record of the operation of emission facilities and prevention facilities under Article 31 (2) or fails to keep such record;
8. Where he/she fails to take measures necessary for the proper operation of emission facilities and prevention facilities, such as installation of measuring devices, in violation of Article 32 (1);
9. Where he/she engages in any activity referred to in any subparagraph of Article 32 (3);
10. Where he/she fails to comply with an order to suspend operation under Article 32 (6);
11. Where he/she fails to comply with an order to suspend operation under Article 34;
12. Where he/she fails to perform self-measurement, in violation of Article 39 (1) or performs a measurement contrary to measurement methods;



13. Where he/she falsely makes a record of the results of self-measurement, in violation of Article 39 (1) or fails to keep such record;
14. Where he/she fails to appoint an environmental engineer under Article 40 (1) or appoints a disqualified environmental engineer;
15. Where he/she fails to perform supervision under Article 40 (3);
16. Where he/she fails to comply with an order to prohibit or restrict the supply, sale or use of fuel under Article 41 (4) or an order to take measures;
17. Where he/she fails to comply with an order to prohibit or restrict the manufacture, supply, sale or use of fuel under Article 42 or an order to take measures;
18. Where he/she continues operation during the period for suspension of operation;
19. Where he/she fails to install emission facilities or prevention facilities within five years after obtaining a permit or filing a report under Article 23 (1) in the absence of justifiable reasons, or where it is confirmed that emission facilities have been destroyed or the business has been closed;
20. Where he/she removes emission facilities to discontinue his/her business.

#### **Article 37 (Imposition of Penalty Surcharges)**

(1) Where a Mayor/Do Governor is required to issue an order to a business entity who has installed and operates any of the following emission facilities to suspend the operation of the relevant facility under Article 36, if the suspension of operation is likely to substantially impede the livelihood of residents and the national economy, including foreign credit, employment, commodity prices and public interest or if any of the cases prescribed by Presidential Decree occurs, the Mayor/Do Governor may impose penalty surcharges not exceeding 200 million Korean won in lieu of a disposition to suspend operation: *<Amended by Act No. 11445, May 23, 2012>*

1. Emission facilities of medical institutions as provided for in the Medical Service Act;
2. Cooling and heating facilities of social welfare facilities and apartment houses;
3. Generating facilities of a power plant;
4. Integrated energy supply facilities as provided for in the Integrated Energy Supply Act;
5. Emission facilities of schools as provided for in the Elementary and Secondary Education Act and the Higher Education Act;
6. Emission facilities of manufacturing businesses;
7. Other emission facilities prescribed by Presidential Decree.

(2) Notwithstanding paragraph (1), no penalty surcharges shall be imposed in lieu of a disposition to suspend operation in any of the following circumstances: *<Newly Inserted by Act No. 11256, Feb. 1, 2012>*

1. Where a person obligated to install prevention facilities (including jointly-managed prevention facilities prescribed in Article 29) under Article 26 has operated emission facilities without installing the prevention facilities;
2. Where any of the prohibited activities stipulated under the subparagraphs of Article 31 (1) is committed and such act is subject to a disposition to suspend operation for at least 30 days;

3. Where an order for improvement issued under Article 33 is not complied with.
- (3) The amount of penalty surcharges depending on the type, severity, etc. of a violation subject to penalty surcharges under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.
- (4) If a person who shall pay a penalty surcharge imposed under paragraph (1) fails to pay it by the payment deadline, the relevant Mayor/Do Governor shall collect it in accordance with the Act on the Collection, etc. of Local Non-Tax Revenue. <Amended by Act No. 11445, May 23, 2012; Act No. 11998, Aug. 6, 2013>
- (5) Penalty surcharges collected under paragraph (1) shall be accounted as the revenue of the Special Account for Environmental Improvement.
- (6) Where the Mayors/Do Governors collect penalty surcharges under paragraph (1), Article 35 (8) shall apply mutatis mutandis to the grant of the collection expenses thereof. <Amended by Act No. 11445, May 23, 2012>

**Article 38 (Measures for Closure of Unlawful Facilities, etc.)**

The Mayor/Do Governor shall issue an order to suspend the use of emission facilities to a person who installs or uses such emission facilities without obtaining a permit or filing a report under Article 23 (1) through (3): Provided, That the Mayor/Do Governor shall issue an order to close the relevant emission facilities where even an improvement thereof or an installment or improvement of a pollution control facility is deemed unlikely to lower the level of pollutants in compliance with the permissible emission levels prescribed under Article 16 even if the emission facilities are improved or prevention facilities are installed or improved, or where the site is prohibited from the installation of emission facilities under other Acts. <Amended by Act No. 11445, May 23, 2012>

**Article 38-2 (Reporting, etc. on Installation of Fugitive Emission Facilities)**

- (1) Where a person intends to install and operate facilities, including processes, equipment, etc., (hereinafter referred to as "fugitive emission facilities") which directly emit air pollutants into the atmosphere without smokestack or any vent prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "fugitive emission"), in any type of business prescribed by Presidential Decree, he/she shall file a report on the installation and operation of such facilities with the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13874, Jan. 27, 2016>
- (2) Where a person who has filed a report under paragraph (1) intends to change any matter prescribed by Ordinance of the Ministry of Environment in a reported matter, he/she shall file a report on such change.
- (3) A person who has filed a report under paragraph (1) or a report on change under paragraph (2), shall comply with the facility management standards prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 13874, Jan. 27, 2016>
- (4) A person who has filed a report under paragraph (1) or a report on change under paragraph (2), shall receive regular inspections conducted by the National Institute of Environmental Research, river basin

environmental offices, regional environmental offices, the Metropolitan Air Quality Management Office, the Korea Environment Corporation established under the Korea Environment Corporation Act, or any other institution, to obtain confirmation as to whether it complies with the facility management standards referred to in paragraph (3). *<Amended by Act No. 13874, Jan. 27, 2016>*

(5) Contents, frequency, and methods of regular inspections, institutions to conduct regular inspections, and other relevant matters under paragraph (4) shall be prescribed by Ordinance of the Ministry of Environment.

(6) The Minister of Environment may order any person who violates any of the facility management standards referred to in paragraph (3) to take necessary measures, including improvement of facilities to reduce fugitive air pollutants.

(7) The Minister of Environment may, within budgetary limits, fully or partially subsidize the expenses incurred in undergoing regular inspections under paragraph (4) by a person that corresponds to a small or medium enterprise under Article 2 (1) of the Framework Act on Small and Medium Enterprises, among persons who have filed a report under paragraph (1) or report on change under paragraph (2). *<Amended by Act No. 13874, Jan. 27, 2016>*

#### **Article 39 (Self-Measurement)**

(1) While a business entity operates emission facilities, he/she shall perform a self-measurement of pollutants emitted or have a measuring agent designated under Article 16 of the Environmental Testing and Inspection Act perform a measurement, and record the results thereof as they are and keep them, as prescribed by Ordinance of the Ministry of Environment.

(2) The subjects, items and methods of measurement and other matters necessary for measurement shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 40 (Environmental Engineers)**

(1) A business entity shall appoint an environmental engineer for the normal operation and management of emission facilities and prevention facilities. *<Amended by Act No. 11256, Feb. 1, 2012>*

(2) An environmental engineer shall guide and supervise those who are engaged in the operation of emission facilities and prevention facilities not to violate this Act or orders issued under this Act, and record and keep the results of the operation of emission facilities and prevention facilities, and comply with matters prescribed by Ordinance of the Ministry of Environment, such as working full-time at the place of business.

(3) A business entity shall supervise environmental engineers to strictly comply with the matters referred to in paragraph (2).

(4) No business entity or those who are engaged in the operation of emission facilities and prevention facilities shall interfere with the duties of an environmental engineer for the normal operation and management of the emission facilities and prevention facilities. Upon receipt of a request necessary for the performance of duties from the environmental engineer, he/she shall comply with such request without any extraordinary reason.

(5) The scope of places of business to which environmental engineers shall appointed under paragraph (1), qualifications for environmental engineers and a term of appointment (including appointment by replacement) shall be prescribed by Presidential Decree.

#### **Article 41 (Sulfur Content Levels for Oils Used for Fuels and other Fuels)**

(1) The Minister of Environment may determine a permissible sulfur content level (hereinafter referred to as "sulfur content level") for each kind of oil used for fuel and other fuels, after seeking consultation with the heads of the relevant central administrative agencies.

(2) The Minister of Environment may determine the scope of areas to supply or facilities to use the fuels, the sulfur content levels of which are determined under paragraph (1), as prescribed by Presidential Decree, and request the heads of the relevant central administrative agencies to supply fuels by area or by facility.

(3) No one who intends to supply or sell a fuel to an area or facility determined under paragraph (2), or to use a fuel in such area or facility shall supply, sell or use fuels which exceed the sulfur content levels: Provided, That emission facilities which use a fuel exceeding the sulfur content level and for which a permit to install the emission facilities or a permit for the alteration thereof has been obtained or a report on installation or report on alteration has been filed under Article 23, as prescribed by Ordinance of the Ministry of Environment, may supply, sell or use fuels exceeding the sulfur content levels.

(4) The Mayor/Do Governor may issue, to a person (excluding cases falling under the proviso to paragraph (3)) who supplies or sells a fuel exceeding the sulfur content level to its supply areas or facilities or uses a fuel exceeding the sulfur content level in its supply areas or facilities under paragraph (2), an order to prohibit or restrict the supply, sale or use of the fuel or to take necessary measures, as prescribed by Presidential Decree. *<Amended by Act No. 11445, May 23, 2012>*

#### **Article 42 (Regulation of Manufacture, Use, etc. of Fuels)**

When the Minister of Environment or the Mayor/Do Governor deems it particularly necessary for the prevention of air pollution caused by the use of a fuel, he/she may prohibit or restrict the manufacture, sale or use of the fuel or order to take necessary measures, as prescribed by Presidential Decree through consulting with the heads of relevant central administrative agencies: Provided, That the same shall not apply to a person who uses the fuel, obtaining the approval of the Minister of Environment or the Mayor/Do Governor, as prescribed by Presidential Decree.

#### **Article 43 (Regulation of Fugitive Dust)**

(1) Any person who intends to run any business prescribed by Presidential Decree which generates fugitive dust (hereinafter referred to as "fugitive dust") shall file a report thereon with a Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment, and install facilities to control fugitive dust or take necessary measures. The same shall apply to the alteration thereof. *<Amended by Act No. 11445, May 23, 2012; Act No. 11907, Jul. 16, 2013>*

(2) Where a person who runs a business fails to install facilities to control fugitive dust or fails to take necessary measures under paragraph (1), or where the facilities installed or the measures taken are deemed inappropriate, a Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may issue an order to such person to install necessary facilities, to implement measures, or to make improvements. *<Amended by Act No. 11445, May 23, 2012; Act No. 11907, Jul. 16, 2013>*

(3) A Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may issue an order to a person who fails to carry out an order issued under paragraph (2) to suspend his/her business, or suspend or restrict the use of the facilities, etc. *<Amended by Act No. 11445, May 23, 2012; Act No. 11907, Jul. 16, 2013>*

#### **Article 44 (Regulation of Volatile Organic Compounds)**

(1) A person who intends to install facilities prescribed by Presidential Decree which emit volatile organic compounds in any of the following areas shall file a report thereon to the Mayor/Do Governor or the Mayor of a large city, as prescribed by Ordinance of the Ministry of Environment: *<Amended by Act No. 11445, May 23, 2012; Act No. 13034, Jan. 20, 2015>*

1. A special-measures area;

2. An air quality control area designated under Article 18 (1) (limited to an air quality control area for which an action plan is publicly notified under Article 19 (2); hereinafter referred to as "air quality control area");

3. An area other than those areas described under subparagraphs 1 and 2, which is designated and publicly notified by the Minister of Environment in consultations with the heads of the relevant central administrative agencies, as it is deemed necessary to improve air pollution generated by volatile organic compound emissions (hereinafter referred to as "additional area subject to the emission control of volatile organic compounds").

(2) Where a person who has filed a report under paragraph (1) intends to alter any reported matters prescribed by Ordinance of the Ministry of Environment, he/she shall file a report on the alteration thereof.

(3) A person who intends to install a facility referred to in paragraph (1) shall take measures to prevent any damage to the atmospheric environment, which might be caused by the emission of volatile organic compounds, such as the installation of facilities to control or prevent the emission of volatile organic compounds.

(4) Matters necessary for the standards, etc. for installation of facilities to control or prevent the emission of volatile organic compounds as referred to in paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment.

(5) A City/Do or a large city may establish standards more stringent than those established under paragraph (4) by Municipal Ordinance of that City/Do or large city. *<Amended by Act No. 11445, May 23, 2012>*

(6) Where the installation of facilities has been reported or is to be reported to the Mayor/Do Governor or the Mayor of a large city under paragraph (1) within the City/Do or the large city to which more stringent standards apply under paragraph (5), such stringent standards shall also apply to the facilities to control or prevent the emission of volatile organic compounds from such facility. <Amended by Act No. 11445, May 23, 2012>

(7) The Mayor/Do Governor or the Mayor of a large city may order a person who violates paragraph (3) to take necessary measures, such as the improvement of facilities emitting volatile organic compounds or facilities to control or prevent the emission of volatile organic compounds. <Amended by Act No. 11445, May 23, 2012>

(8) In order to suppress the emission of volatile organic compounds, a person who has filed a report under paragraph (1) shall inspect the facilities that emits volatile organic compounds to ascertain whether any volatile organic compounds are emitted and measure their concentrations, etc., and shall keep and maintain the results thereof. <Newly Inserted by Act No. 11445, May 23, 2012>

(9) Matters concerning the detailed criteria, procedures, etc. necessary for the designation of an additional area subject to the emission control of volatile organic compounds under paragraph (1) 3 shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13034, Jan. 20, 2015>

#### **Article 44-2 (Permissible Volatile Organic Compound Content Levels, etc. of Paints)**

(1) Volatile organic compound content levels of eco-friendly paints (hereinafter referred to as "volatile organic compound content levels") shall be prescribed by Ordinance of the Ministry of Environment. In this regards, the Minister of Environment shall consult with the heads of the relevant central administrative agencies.

(2) None of the following persons shall supply or sell any paint which exceeds any of the volatile organic compound content levels: <Amended by Act No. 13034, Jan. 20, 2015>

1. A person who manufactures paints, or supplies or sells paints after importing them;
2. A person who supplies or sells paints, other than those falling under subparagraph 1.

(3) Where a person falling under paragraph (2) 1 supplies or sells any paint which exceeds the volatile organic compound content levels, the Minister of Environment may order him/her to take necessary measures, including suspension of the supply or sale of the relevant paint or the withdrawal thereof, as prescribed by Presidential Decree. <Newly Inserted by Act No. 13034, Jan. 20, 2015>

(4) Where a person falling under paragraph (2) 2 supplies or sells paint which exceeds the volatile organic compound content levels, the Minister of Environment may order him/her to suspend the supply or sale of such relevant paint, as prescribed by Presidential Decree. <Newly Inserted by Act No. 13034, Jan. 20, 2015>

#### **Article 44-3 (Constructive Reports on Alteration under other Statutes)**

(1) Where a report on alteration has been filed pursuant to Article 44 (2), either of the following reports on alteration shall be deemed to have been filed in relation to relevant emission facilities: Provided, That altered matters shall be reported only when the name or representative of a place of business is altered: <Amended by Act No. 14532, Jan. 17, 2017>

1. A report on alteration of specified facilities subject to the control of soil contamination under the latter part of Article 12 (1) of the Soil Environment Conservation Act;
  2. A report on alteration of discharging facilities under the proviso to Article 33 (2) and Article 33 (3) of the Water Environment Conservation Act.
- (2) A person who intends to be deemed to have filed a report on alteration under paragraph (1) shall submit relevant documents prescribed by relevant statutes when he/she applies for the report on alteration.
- (3) Where the head of an administrative agency who receives reports on alteration pursuant to paragraph (1) has processed a report on alteration, he/she shall promptly notify the details thereof to the head of an administrative agency having jurisdiction over the relevant report on alteration under each subparagraph of paragraph (1).
- (4) Where a report on alteration is deemed to have been filed under paragraph (1), fees imposed pursuant to relevant statutes shall be exempted.

#### **Article 45 (Regulation of Existing Facilities Emitting Volatile Organic Compounds)**

- (1) A person operating a facility emitting volatile organic compounds in an area at the time such area is designated and publicly notified (referring to the public announcement of an action plan under Article 19 (2) in cases of an air quality control area; hereafter the same shall apply in this paragraph) as a special-measures area, air quality control area, or additional area subject to the emission control of volatile organic compounds, shall file a report under Article 44 (1) within three months from the date such area is designated and publicly notified as a special measures area, air quality control area, or additional area subject to the emission control of volatile organic compounds, and shall take measures under Article 44 (3) within one year from the date such area is designated and publicly notified as a special-measures area, air quality control area, or additional area subject to the emission control of volatile organic compounds. *<Amended by Act No. 13034, Jan. 20, 2015; Amended by Act No. 13874, Jan. 27, 2016>*
- (2) Where an additional volatile organic compound has been publicly notified, a person operating a facility emitting such additional volatile organic compound in a special countermeasure area, air quality control area, or additional area subject to the emission control of volatile organic compounds, shall file a report under Article 44 (1) within three months from the date such additional compound is publicly notified, and take measures under Article 44 (3) within one year from the date such additional compound is publicly notified. *<Amended by Act No. 13034, Jan. 20, 2015; Amended by Act No. 13874, Jan. 27, 2016>*
- (3) A person who has filed a report under paragraph (1) or (2) intends to alter any reported matter, shall file a report on the alteration thereof under Article 44 (2).
- (4) Notwithstanding paragraphs (1) and (2), in cases falling under any ground prescribed by Presidential Decree, such as where a measure taken under Article 44 (3) requires a special technology, the period for such measure may be extended by up to one year upon approval by the Mayor/Do Governor or the Mayor of a large city. *<Amended by Act No. 11445, May 23, 2012>*
- (5) Article 44 (7) shall apply mutatis mutandis where the measures provided for in paragraph (1), (2) or (4) are not taken within the period prescribed in each of such paragraphs.

#### **Article 45-2 (Succession, etc. of Rights and Duties)**

(1) Where a person who has filed a report or a report on alteration under Article 44 (1) or (2) (hereafter referred to as "installer" in this Article) transfers any facility that emits volatile organic compounds or controls or prevents the emission of volatile organic compounds referred to Article 44 (1) and (3) or where the installer dies or a corporate installer is merged with another corporation, the transferee, the heir, or a corporation surviving the merger or a corporation newly incorporated by the merger shall succeed to the rights and duties of the installer in respect of the report or report on alteration.

(2) Where any facility that emits volatile organic compounds or controls or prevents the emission of volatile organic compounds referred to Article 44 (1) and (3) is leased, the lessee shall be considered as the installer for the purposes of Article 44, 45 or 82 (1) 5.

#### **Article 45-3 (Inspection of Facilities for Control or Prevention of Emission of Volatile Organic Compounds)**

(1) Manufacturers of facilities for the control or prevention of emission of volatile organic compounds (including persons who import and sell them) and persons who install them shall undergo inspections conducted by an inspection institution prescribed by Ordinance of the Ministry of Environment. The same shall also apply to any of the cases prescribed by Ordinance of the Ministry of Environment, in which reports on alteration are filed under Article 44 (2) or 45 (3).

(2) In order to control and prevent the emission of volatile organic compounds, the Minister of Environment may provide assistance required by inspection institutions for their inspection services.

(3) Facilities subject to inspection under paragraph (1), methods of and standards for inspection, and other matters necessary for inspection service shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 46 (Permissible Emission Levels, etc., for Manufactured Motor Vehicles)**

(1) A person who intends to manufacture (including importation; hereinafter the same shall apply) motor vehicles (including motors; hereafter the same shall apply in this Article, Articles 47 through 50, 50-2, 50-3, 51 through 56, 82 (1) 6, subparagraphs 6 and 7 of Article 89 and subparagraph 4 of Article 91) (hereinafter referred to as "motor vehicle manufacturer"), shall manufacture them in compliance with the permissible levels (hereinafter referred to as "permissible emission levels for manufactured motor vehicles") for pollutants (only applicable to pollutants prescribed by Presidential Decree; hereinafter referred to as "exhaust gases") emitted from the relevant motor vehicle (hereinafter referred to as "manufactured motor vehicles"), prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 9311, Dec. 31, 2008; Act No. 11256, Feb. 1, 2012>*

(2) The Minister of Environment shall consult with the heads of the relevant central administrative agencies when drafting an Ordinance of the Ministry of Environment referred to in paragraph (1).

(3) Motor vehicle manufacturers shall manufacture motor vehicles in such a manner that exhaust gases emitted from manufactured motor vehicles meet the permissible emission levels for manufactured motor vehicles for a period prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "warranty period of exhaust gases"). *<Amended by Act No. 11256, Feb. 1, 2012>*



(4) No motor vehicle manufacturer shall intentionally alter or manipulate design for components related to exhaust gases differently from the details of certification obtained under Article 48 (1). <Newly Inserted by Act No. 13874, Jan. 27, 2016>

**Article 46-2 (Support for Research and Development, etc. Related to Permissible Emission Levels for Manufactured Motor Vehicles)**

(1) Where research and development is required to ascertain permissible emission levels for manufactured motor vehicles and the methods of inspection of permissible emission levels for manufactured motor vehicles, the Minister of Environment may direct any of the following persons to conduct research and development. In such cases, he/she may subsidize expenses required for the research and development within a budgetary limit:

1. A person delegated or entrusted with certification affairs of Article 48 (1) in accordance with Article 87;

2. A person designated as a testing agency for certification under Article 48-2 (1).

(2) The Minister of Environment may examine and analyze international standards to make the permissible emission levels for manufactured motor vehicles compliant with such international standards and may support international cooperation activities of the institutions and organizations prescribed by Ordinance of the Ministry of Environment in connection with the permissible emission levels for manufactured motor vehicles.

**Article 47 (Support for Technical Development, etc.)**

(1) The State may provide financial and technical support necessary for the technical development or manufacture of any of the following facilities, etc. for the reduction of air pollution caused by motor vehicles:

1. Low-emission motor vehicles, and facilities for supplying fuels to low-emission motor vehicles, which are prescribed by the Minister of Environment;

2. Exhaust gas reduction devices;

3. Low-emission engines.

(2) The Minister of Environment may subsidize some of the expenses incurred in technological development or manufacturing under paragraph (1) from the Special Account for Environmental Improvement.

**Article 48 (Certification of Manufactured Motor Vehicles)**

(1) A motor vehicle manufacturer shall, when he/she intends to manufacture a motor vehicle, obtain in advance certification from the Minister of Environment that the exhaust gases from the motor vehicle shall be maintained to meet the permissible emission levels for manufactured motor vehicles within the warranty period of exhaust gases: Provided, That the Minister of Environment may exempt or omit certification for motor vehicles, as prescribed by Presidential Decree.

(2) A motor vehicle manufacturer who intends to alter significant matters prescribed by Ordinance of the Ministry of Environment from among the contents of the certification for a motor vehicle certified under

paragraph (1) shall obtain certification for such alteration. <Amended by Act No. 9311, Dec. 31, 2008>

(3) Matters necessary for application for certification under paragraphs (1) and (2), methods of and procedures for test necessary for certification, test fees, method of certification, exemption from and omission of certification shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 9311, Dec. 31, 2008>

#### **Article 48-2 (Performance of Testing Affairs for Certification by Agencies)**

(1) The Minister of Environment may, if necessary for efficient performance of affairs of test necessary for certification (hereinafter referred to as the "test for certification") under Article 48, designate a specialized institution to have it perform affairs of test for certification on his/her behalf.

(2) A specialized institution designated pursuant to paragraph (1) (hereinafter referred to as the "testing agency for certification") and any person who is in charge of affairs of test for certification shall not engage in the following activities:

1. Having another person perform affairs of test for certification in its name;
2. Giving a test for certification by fraudulent or other illegal means;
3. Violating the matters to be complied with, which are prescribed by Ordinance of the Ministry of Environment in connection with test for certification;
4. Giving a test for certification in violation of methods of and procedures for test for certification under Article 48 (3).

(3) Standards and procedures for designation of a testing agency for certification and other matters necessary for affairs of certification shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 48-3 (Revocation of Designation of Testing Agency for Certification)**

Where a testing agency for certification falls under any of the following cases, the Minister of Environment may revoke the designation as the testing agency or order to suspend the whole or part of its service upon setting a period not exceeding six months: Provided, That where it falls under subparagraph 1, he/she shall revoke such designation:

1. Where it has been designated by fraudulent or other illegal means;
2. Where it has committed any prohibited act stipulated under the subparagraphs of Article 48-2 (2);
3. Where it has failed to meet the standards for designation under Article 48-2 (3).

#### **Article 48-4 (Imposition of Penalty Surcharges)**

(1) Where the Minister of Environment intends to suspend service under Article 48-3, he/she may impose a penalty surcharge not exceeding 50 million Korean won in lieu of such suspension, if such business suspension is deemed to cause serious inconvenience to the users and other interested persons or substantial hindrance to the public interest.

(2) The amount of penalty surcharges depending on the types, severity, etc. of a violation subject to penalty surcharges under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

(3) Article 37 (4) and (5) shall apply mutatis mutandis to the collection and use of the penalty surcharges imposed under paragraph (1).

**Article 49 (Transfer and Acquisition of Certification, etc.)**

Where a motor vehicle manufacturer has transferred the business or is deceased, or a motor vehicle manufacturer who is a corporation is merged with another company, the transferee and successor thereof, or the corporation which survives the merger or the corporation newly established through the merger shall succeed the rights and duties of the motor vehicle manufacturer, which result from the certification or certification for alteration under Article 48.

**Article 50 (Inspections, etc. of Permissible Emission Levels for Manufactured Motor Vehicles)**

(1) The Minister of Environment shall conduct an inspection, as prescribed by Presidential Decree, in order to ascertain whether exhaust gases from motor vehicles manufactured upon obtaining certification referred to in Article 48 meet the permissible emission levels for manufactured motor vehicles.

(2) Where a motor vehicle manufacturer has conducted an inspection in accordance with the methods and procedures of inspection prescribed by the Minister of Environment with human resources and equipment prescribed by Ordinance of the Ministry of Environment, the Minister of Environment may omit the inspection referred to in paragraph (1), as prescribed by Presidential Decree.

(3) The Minister of Environment shall ascertain at an interval of period prescribed by Ordinance of the Ministry of Environment whether motor vehicle manufacturers are appropriately managing their human resources and equipment required for conducting the inspection referred to in paragraph (2). *<Newly Inserted by Act No. 11256, Feb. 1, 2012>*

(4) The Minister of Environment may conduct an inspection using the facilities of motor vehicle manufacturers or at a separately designated place, as prescribed by Ordinance of the Ministry of Environment, when specifically necessary for the inspection under paragraph (1).

(5) Expenses incurred in conducting an inspection under paragraphs (1) and (4) and Article 51 shall be borne by motor vehicle manufacturers. *<Amended by Act No. 11256, Feb. 1, 2012>*

(6) Detailed matters necessary for conducting inspections, such as the methods, procedures, etc. of inspections under paragraph (1), shall be determined and publicly notified by the Minister of Environment.

(7) The Minister of Environment may order the manufacturer of motor vehicles which have failed an inspection conducted under paragraph (1) to suspend the sale or release of the same model of motor vehicles as that of the motor vehicle, which is deemed to have been produced in the same conditions as those of the motor vehicle during the period prescribed by the Minister of Environment, and may order him/her to replace the exhaust gas-related parts in cases of the motor vehicles already sold. *<Amended by Act No. 11256, Feb. 1, 2012; Act No. 14487, Dec. 27, 2016>*

(8) Notwithstanding paragraph (7), where the manufacturer of motor vehicles fails to perform an order to replace the exhaust gas-related parts or cannot correct the reason for failure of the inspection under paragraph (1) with the replacement of parts, the Minister of Environment may order the manufacturer of motor vehicles to replace, refund the payment of or repurchase the motor vehicles as prescribed by

Presidential Decree. <Newly Inserted by Act No. 14487, Dec. 27, 2016>

**Article 50-2 (Average Emission Quantities, etc. of Motor Vehicles)**

(1) A motor vehicle manufacturer shall manufacture the motor vehicles in such a manner that the average level of exhaust gases emitted from each model of motor vehicles (hereinafter referred to as "average emission quantity") meets the standards prescribed by the Minister of Environment (hereinafter referred to as "permissible average emission").

(2) A manufacturer of motor vehicles subject to the application of permissible average emission under paragraph (1) shall prepare the performance record of average emission quantity of the previous year and submit it to the Minister of Environment by the end of February each year, as prescribed by Ordinance of the Ministry of Environment.

(3) The scope of motor vehicles and motor vehicle manufacturers subject to the application of the permissible average emission under paragraph (1), method of calculating the average emission quantity and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

**Article 50-3 (Redemption Orders, etc. against Motor Vehicles Manufacturers who has Exceeded Permissible Average Emission)**

(1) Where the average emission quantities of a motor vehicle manufacturer in the relevant year are in compliance with the permissible average emission quantity, he/she may use the difference between those quantities and the permissible average emission quantity, up to the limit acknowledged by Ordinance of the Ministry of Environment, for the period prescribed by Ordinance of the Ministry of Environment from the following year.

(2) The Minister of Environment may order a motor vehicle manufacturer whose average emission quantities in the relevant year were in noncompliance of the permissible average emission quantity, to redeem those quantities that exceed the permissible quantity within the period prescribed by Ordinance of the Ministry of Environment from the year in which such noncompliance took place.

(3) A motor vehicle manufacturer in receipt of an order to make redemption under paragraph (2) (hereinafter referred to as "redemption order") shall prepare and submit to the Minister of Environment a plan to redeem the excess referred to in the same paragraph (hereinafter referred to as "redemption plan") within two months from the date of the receipt of the redemption order.

(4) The method of calculating the remainder and the excess referred to in paragraphs (1) through (3), the annually acknowledged scope, matters to be included in a redemption plan, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

**Article 51 (Inspections for Confirmation and Correction of Defects)**

(1) A motor vehicle manufacturer shall be subject to inspections by the Minister of Environment as to whether exhaust gases emitted from motor vehicles in operation within the warranty period of exhaust gases meet the permissible emission levels (hereinafter referred to as "inspection for confirmation of defects").

(2) Matters necessary for the criteria for selecting motor vehicles subject to the inspection for confirmation of defects, method, procedure and standards of inspection, method of decision-making, inspection fees, etc. shall be prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall, when prescribing Ordinance of the Ministry of Environment as referred to in paragraph (2), consult with the heads of relevant central administrative agencies, and determine and announce each year motor vehicle models which are required to undergo the inspection for confirmation of defects in accordance with the criteria for selection as referred to in the same paragraph.

(4) The Minister of Environment may, when a motor vehicle subject to inspection is determined not to be in conformity with the permissible emission levels for manufactured motor vehicles as a result of the inspection for confirmation of defects and the motor vehicle manufacturer is deemed responsible for the cause thereof, issue an order for the correction of defects with respect to such motor vehicle model: Provided, That where the motor vehicle manufacturer admits the existence of defects and attempts to correct such defects by himself/herself, the order for the correction of defects may be omitted.

(5) A motor vehicle manufacturer in receipt of an order for the correction of defects or makes an attempt to correct the defects of a motor vehicle by himself/herself under paragraph (4) shall establish a plan for the correction of defects of the motor vehicle as prescribed by Ordinance of the Ministry of Environment and implement such plan, obtaining the approval of the Minister of Environment, and report the results thereof to the Minister of Environment.

(6) Where the plan for the correction of defects is found not to have been implemented as a result of the examination of the report on the results of the correction of defects under paragraph (5), the Minister of Environment shall, when the person in receipt of an order for the correction of defects or the person who made an attempt to correct defects by himself/herself is deemed responsible for the cause thereof, order such person again to correct the defects, fixing a period of time.

#### **Article 52 (Correction of Defective Parts)**

(1) Where exhaust gas-related parts determined by the Minister of Environment upon consultation with the Minister of Trade, Industry and Energy and the Minister of Land, Infrastructure and Transport, by Ordinance of the Ministry of Environment (hereinafter referred to as "parts") fail to maintain normal functions, the owner or entity of the motor vehicle within the warranty period of exhaust gas-related parts may demand the relevant motor vehicle manufacturer to correct the defect. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Upon receipt of request to correct a defect referred to in paragraph (1), the relevant motor vehicle manufacturer shall examine the request and correct the defect without delay: Provided, That the same shall not apply where the motor vehicle manufacturer verifies that the defect was not caused intentionally or by negligence by the motor vehicle manufacturer.

(3) Where a motor vehicle manufacturer who needs to correct a defective part pursuant to the main sentence of paragraph (2) fails to correct the defective part without just ground, the Minister of Environment may issue an order to correct the relevant defect within the period prescribed by Ordinance

of the Ministry of Environment. <Newly Inserted by Act No. 13528, Dec. 1, 2015>

### **Article 53 (Reporting on and Correction of Defective Parts)**

(1) Where the number or ratio of cases requiring the correction of defective parts under Article 52 (1) meets the requirements prescribed by Presidential Decree, a motor vehicle manufacturer shall report the current status of correction of defects and current status of defective parts to the Minister of Environment, as prescribed by Presidential Decree: Provided, That the same shall not apply where the motor vehicle manufacturer gives a written notice to the Minister of Environment to the effect that he/she shall correct defects by himself/herself with respect to the parts of the same type produced in the same conditions as those of the parts for which a request for the correction of a defect has been filed under Article 52 (1).

(2) Where the number or ratio of cases requiring the correction of defective parts under Article 52 (1) fails to meet the requirements prescribed by Presidential Decree, a motor vehicle manufacturer shall report the current status of correction of defects to the Minister of Environment by the end of January each year, as prescribed by Presidential Decree. <Newly Inserted by Act No. 13528, Dec. 1, 2015>

(3) Where the number of cases of defective parts or the ratio of defects meets the requirement prescribed by Presidential Decree, a motor vehicle manufacturer shall correct the defective parts, even without a request for the correction of defects under Article 52 (1): Provided, That the same shall not apply where the motor vehicle manufacturer verifies that motor vehicles are maintained in conformity with the permissible emission levels for manufactured motor vehicles during the warranty period of exhaust gases in spite of such defective parts.

(4) Where a motor vehicle manufacturer who is liable to correct defective parts under the main sentence of paragraph (3) fails to correct the defective parts without any just ground, the Minister of Environment may issue an order for the correction of defects. <Amended by Act No. 13528, Dec. 1, 2015>

(5) Article 51 (5) shall apply mutatis mutandis where a motor vehicle manufacturer corrects a defect under the proviso to paragraph (1), the main sentence of paragraph (3), and paragraph (4). <Amended by Act No. 13528, Dec. 1, 2015>

### **Article 54 (Installation and Operation of Computer Networks for Management of Information on Exhaust Gases of Motor Vehicles)**

The Minister of Environment may establish and operate a computer network linked to an electronic data processing system established under Article 69 of the Motor Vehicle Management Act (hereinafter referred to as "comprehensive computer system for exhaust gases") to collect and manage data on exhaust gases of motor vehicles, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11256, Feb. 1, 2012; Act No. 13034, Jan. 20, 2015>

### **Article 55 (Revocation of Certification)**

The Minister of Environment may revoke certification in any of the following cases: Provided, That in cases falling under subparagraph 1 or 2, he/she shall revoke the certification: <Amended by Act No. 11256, Feb. 1, 2012>

1. Where the certification was obtained by deceitful or other unlawful means;
2. Where a manufactured motor vehicle is unable to conform to the permissible emission levels for manufactured motor vehicles due to a serious defect, even after improvement;
3. Where an order to suspend sale or release of motor vehicles issued under Article 50 (7) is violated;
4. Where an order to correct defects issued under Article 51 (4) or (6) is not carried out.

#### **Article 56 (Dispositions to Impose Penalty Surcharges)**

(1) Where a motor vehicle manufacturer falls under any of the following cases, the Minister of Environment may impose on the motor vehicle manufacturer a penalty surcharge up to the amount multiplying his/her sales by five percent. In such cases, the amount of penalty surcharge shall not exceed fifty billion won: <Amended by Act No. 13874, Jan. 27, 2016, Act No. 14487, Dec. 27, 2016>

1. Where the motor vehicle manufacturer manufactures and sells motor vehicles without obtaining certification, in violation of Article 48 (1);
2. Where certification or certification for alteration pursuant to Article 48 is obtained by fraud or other improper means;
3. Where the motor vehicle manufacturer manufactures and sells motor vehicles differently from the details of certification obtained under Article 48 (1).

(2) The penalty surcharge in paragraph (1) shall be imposed as prescribed by Presidential Decree, in consideration of types of violation and levels of increase or decrease of exhaust gas emissions, etc. <Amended by Act No. 14487, Dec. 27, 2016>

(3) Article 37 (4) and (5) shall apply mutatis mutandis to the collection and use of penalty surcharges imposed under paragraph (1). <Amended by Act No. 11256, Feb. 1, 2012>

#### **Article 57 (Permissible Emission Levels for Motor Vehicles in Operation)**

The owner of a motor vehicle (including two-wheeled motor vehicles among the motor vehicles as defined in subparagraph 13 (a) of Article 2 but excluding two-wheeled motor vehicles prescribed by Ordinance of the Ministry of Environment, such as two-wheeled electric motor vehicles) shall operate his/her motor vehicle or ensure that his/her motor vehicle operates to emit exhaust gases, in compliance with the permissible emission levels for motor vehicles in operation prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "permissible emission levels for motor vehicles in operation"). <Amended by Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012>

#### **Article 58 (Operation, etc., of Low-Emission Motor Vehicles)**

(1) Where the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun deems it necessary to improve air quality or reduce the emissions of climate/ecosystem-changing substances in the district under his/her jurisdiction, he/she may order the owners of motor vehicles which satisfy the requirements prescribed by Ordinance of the Ministry of Environment for the life span, the emission levels of air pollutants or climate/ecosystem-changing substances, etc., among the motor vehicles in operation in such district to take any of the following measures with respect to the motor vehicles, or recommend the early

scrapping of motor vehicles, as stipulated by ordinance of the relevant Special Metropolitan City, Metropolitan City, Metropolitan Autonomous City, Special Self-Governing Province, or Si/Gun: <Amended by Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012>

1. Conversion or remodeling into low-emission motor vehicles;
  2. Installation or replacement of exhaust gas reduction devices, or replacement of exhaust gas-related parts;
  3. Conversion into or replacement with low-emission engines (including dual fuel engines).
- (2) The owner of a motor vehicle, the warranty period of exhaust gas-related parts of which has lapsed, may install or replace the exhaust gas reduction device or convert its engine to, or replace it with, a low-emission engine so that the exhaust gases emitted from the motor vehicle can be maintained within the permissible emission levels for motor vehicles in operation referred to in Article 57. <Newly Inserted by Act No. 11256, Feb. 1, 2012>

(3) The State or local governments may provide any of the following persons with necessary subsidies and loans within budgetary limits in order to facilitate the wider use of low-emission motor vehicles, installation or replacement of exhaust gas reduction devices, and conversion into or replacement with low-emission engines: <Amended by Act No. 9695, May 21, 2009; Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012; Act No. 13874, Jan. 27, 2016>

1. A person who purchases a low-emission motor vehicle or remodels his/her motor vehicle into a low-emission motor vehicle;
  2. A person who installs any of the following facilities for supplying fuels to low-emission motor vehicles:
    - (a) Facilities for supplying natural gas to motor vehicles that use natural gas as their fuel, which are prescribed by the Minister of Environment;
    - (b) Facilities for charging electricity to motor vehicles that use electricity as their fuel (hereinafter referred to as "electric vehicles"), which are prescribed by the Minister of Environment;
    - (c) Any other facilities for supplying fuels such as solar energy and hydrogen fuel, prescribed by the Minister of Environment to low-emission motor vehicles;
  3. A person who installs exhaust gas reduction devices to his/her motor vehicle or replace them, or convert the engine of his/her motor vehicle into, or replace it with, a low-emission engine under paragraph (1) or (2);
  4. A person who replaces exhaust gas-related parts under paragraph (1);
  5. A person who early scraps his/her motor vehicle as recommended under paragraph (1);
  6. Any other persons who purchase motor vehicles which emit a very small quantity of exhaust gases, as determined and publicly notified by the Minister of Environment.
- (4) With respect to a motor vehicle owner (including a person to whom the ownership of such motor vehicle is transferred by the relevant motor vehicle owner; hereafter referred to as "owner" in this Article) who was subsidized for expenses under paragraph (3) 1, 3, 4 or 6, the Minister of Environment may set a



period for compulsory operation of the relevant motor vehicle within the period prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 8956, Mar. 21, 2008; Act No. 11256, Feb. 1, 2012; Act No. 11750, Apr. 5, 2013>

(5) Where an owner intends to cancel the registration of his/her motor vehicle for the purposes of scrapping, exporting, etc., of the motor vehicle, he/she shall return the following devices, parts, etc., to the head of the relevant local government, as prescribed by Ordinance of the Ministry of Environment: Provided, That this shall not apply where the registration of a motor vehicle is canceled to export electric vehicles: <Newly Inserted by Act No. 8956, Mar. 21, 2008; Act No. 11256, Feb. 1, 2012; Act No. 11750, Apr. 5, 2013; Act No. 13874, Jan. 27, 2016>

1. Installed or replaced exhaust gas reduction device;

2. Converted or replaced low-emission engine;

3. Battery and other devices and parts of the motor vehicles prescribed by Ordinance of the Ministry of Environment which were subsidized for expenses under paragraph (3) (excluding motor vehicles that use natural gas as their fuel which were subsidized for expenses under paragraph (3) 1, 4 or 6).

(6) Notwithstanding paragraph (5), an owner may pay the amount equivalent to the residual value of the devices or parts referred to in subparagraphs 1 and 2 of the same paragraph in cash as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11750, Apr. 5, 2013; Act No. 14487, Dec. 27, 2016>

(7) The Minister of Environment or the head of a local government shall reuse or recycle the exhaust gas reduction devices returned under paragraph (5). <Newly Inserted by Act No. 11750, Apr. 5, 2013>

(8) Where exhaust gas reduction devices, etc., returned under paragraph (5) fall under the grounds prescribed by Ordinance of the Ministry of Environment as deemed impossible to reuse or recycle them, the Minister of Environment or the head of a local government shall sell them. <Newly Inserted by Act No. 11256, Feb. 1, 2012; Act No. 14487, Dec. 27, 2016>

(9) The amount imposed under paragraph (6) and the proceeds from sales as prescribed in paragraph (8) shall be accounted as the revenue of the Special Account for Environmental Improvement under the Framework Act on Environmental Policy, and may be appropriated for the expenses prescribed by Ordinance of the Ministry of Environment, such as subsidies referred to in paragraph (3) and funds for research and development projects of low-emission motor vehicles. <Newly Inserted by Act No. 11445, May 23, 2012; Act No. 14487, Dec. 27, 2016>

(10) Where an owner fails to fulfill the period for compulsory operation set under paragraph (4), the Minister of Environment or the head of the competent local government may recover some of the subsidies provided under paragraph (3), as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11445, May 23, 2012; Act No. 11750, Apr. 5, 2013>

(11) The Special Metropolitan City Mayor, Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun may have each low-emission motor vehicle or motor vehicle that has installed an exhaust gas reduction device or the engine of

which has been remodeled to or replaced by a low-emission engine under paragraph (1) bear an identification mark, as prescribed by Ordinance of the Ministry of Environment, so that it can be easily identifiable from the outside. <Newly Inserted by Act No. 11445, May 23, 2012>

(12) The Minister of Environment, the Special Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, the Special-Governing Province Governor, or the head of a Si/Gun may provide necessary support, such as reduction or exemption of parking fees, for a motor vehicle bearing the identification mark prescribed in paragraph (11). <Newly Inserted by Act No. 11445, May 23, 2012; Act No. 11750, Apr. 5, 2013; Act No. 14487, Dec. 27, 2016>

(13) A local government may assign the Korea Automobile Environmental Association established under Article 78 to take procedures necessary for subsidization of expenses under paragraph (3) 5 on its behalf. <Newly Inserted by Act No. 11445, May 23, 2012>

(14) The Korea Automobile Environmental Association that takes procedures necessary for subsidization of expenses under paragraph (13) on behalf of local governments shall require the motor vehicle dismantlers who have achieved a high recycling rate of scrapping motor vehicles under Article 25 (1) of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles to preferentially allocate the scrapping of the motor vehicles of a person provided with a subsidy under paragraph (3), as prescribed by the Minister of Environment. <Newly Inserted by Act No. 11445, May 23, 2012; Act No. 11750, Apr. 5, 2013; Act No. 14487, Dec. 27, 2016>

(15) In order to manage information on charging of electric vehicles among low-emission motor vehicles, the Minister of Environment may establish and operate a computer network for the management of information on electric vehicle charging, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13034, Jan. 20, 2015>

(16) The Minister of Environment may install and operate facilities for charging electricity vehicles referred to in paragraph (3) 2 (b) in order to promote the distribution of electric vehicles among low-emission motor vehicles, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13874, Jan. 27, 2016>

(17) The Minister of Environment may evaluate the performance of electric vehicles to determine persons eligible for subsidies or loans referred to in paragraph (3), as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13874, Jan. 27, 2016>

#### **Article 59 (Restriction on Engine Idling)**

(1) If deemed necessary for preventing air pollution caused by motor vehicle exhaust gases and fuel loss, the Mayor/Do Governor may restrict the parking or stopping of the motor vehicle with its engine on at a terminal, garage, parking lot, etc., as prescribed by ordinance of the relevant City/Do. <Newly Inserted by Act No. 9695, May 21, 2009>

(2) The Mayor/Do Governor may issue an order to install idling control devices to motor vehicles prescribed by Ordinance of the Ministry of Environment, including those for public transportation, as prescribed by Municipal Ordinance of the relevant City/Do. <Newly Inserted by Act No. 9695, May 21, 2009>

*Act No. 11445, May 23, 2012>*

(3) The State or a local government may provide a subsidy or loan within budgetary limits to the owners of motor vehicles in receipt of an order to install an idling control device and go system under paragraph (2). *<Newly Inserted by Act No. 9695, May 21, 2009>*

**Article 60 (Certification, etc. of Exhaust Gas Reduction Devices and Idling Control Devices)**

(1) A person who intends to manufacture, supply or sell exhaust gas reduction devices, low-emission engines or idling control devices and go systems shall obtain certification from the Minister of Environment that the devices or engines can be maintained in conformity with the reduction efficiency or standards prescribed by Ordinance of the Ministry of Environment for the warranty period of such devices or engines: Provided, That he/she need not obtain such certification, if he/she has obtained the certification of the manufactured motor vehicles upon installing an exhaust gas reduction device, low-emission engine, or idling control device and go system in the manufacturing process. *<Amended by Act No. 11445, May 23, 2012>*

(2) Where a person who has obtained certification under paragraph (1) intends to alter any certified matters, he/she shall obtain certification for such alteration.

(3) An exhaust gas reduction device or low-emission engine certified under Article 26 of the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area shall be exempt from the certification under paragraph (1).

(4) In cases falling under subparagraph 1, the Minister of Environment must revoke the certification: Provided, That in cases falling under subparagraph 2, he/she may revoke the certification: *<Amended by Act No. 11445, May 23, 2012>*

1. Where the certification is obtained by fraudulent or other illegal means;
2. Where the reduction efficiency or standards referred to in paragraph (1) cannot be maintained or complied with due to a defect in the exhaust gas reduction device, low-emission engine, or idling control device and go system even after improvement.

(5) A person who intends to obtain certification or certification for alteration under paragraph (1) or (2) shall pay fees, as prescribed by Ordinance of the Ministry of Environment.

(6) Matters necessary for filing applications for, testing, standards and method of certification under paragraph (1) and other matters shall be prescribed by Ordinance of the Ministry of Environment.

**Article 60-2 (Management of Exhaust Gas Reduction Devices, etc.)**

(1) The owner of a motor vehicle for which the measures prescribed in Article 58 (1) or (2) are taken shall obtain verification on maintaining performance as to whether the exhaust gas reduction device installed or replaced in his/her motor vehicle or the low-emission engine converted or replaced, as prescribed by Ordinance of the Ministry of Environment, maintains its performance in conformity with the reduction efficiency referred to in Article 60 (1) within 15 days before or after the date two months lapse after such measures have been taken: Provided, That he/she shall be deemed to have obtained the verification on maintaining performance if maintaining the performance of exhaust gas reduction device or low-emission

engine can be verified through the comprehensive computer system for exhaust gases. <Amended by Act No. 13034, Jan. 20, 2015>

(2) Method of verifying maintaining performance under paragraph (1), verifying agencies and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(3) A motor vehicle for which verification is obtained as to maintaining performance under paragraph (1) may be exempt from a regular inspection of exhaust gases prescribed in Article 62 (1) and a close inspection of exhaust gases prescribed in Article 63 (1) for three years from the date the measures prescribed in Article 58 (1) or (2) are taken.

(4) The owner of a motor vehicle who has taken measures under Article 58 (1) or (2) shall comply with the matters prescribed by Ordinance of the Ministry of Environment, such as inspection of an exhaust gas reduction device, to maintain the performance of the exhaust gas reduction device or low-emission engine.

(5) If the owner of a motor vehicle fails to comply with any matter to be complied with under paragraph (4), the competent Mayor/Do Governor may order him/her to take necessary measures to comply therewith, such as the inspection of the exhaust gas reduction device.

#### **Article 60-3 (Verification Inspections for Reduction Efficiency of Exhaust Gas Reduction Devices, etc.)**

(1) The Minister of Environment may inspect whether the exhaust gas reduction devices installed or replaced in motor vehicles or the low-emission engine converted or replaced maintains its performance in conformity with the reduction efficiency for the warranty period referred to in the main body of Article 60 (1).

(2) Necessary matters concerning standards for selecting devices or engines subject to inspections under paragraph (1), method of, and procedure and standards for inspections, method of making determinations, inspection fees, etc. shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 61 (Occasional Checkups of Motor Vehicles in Operation)**

(1) The Minister of Environment, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, and the head of a Si/Gun/Gu shall occasionally check up motor vehicles on the road, at the parking lot, etc. to verify whether the exhaust gases from the motor vehicles are in conformity with the permissible emission levels for motor vehicles in operation under Article 57. <Amended by Act No. 11256, Feb. 1, 2012; Act No. 11907, Jul. 16, 2013>

(2) Motor vehicle operators shall cooperate in checkups referred to in paragraph (1), and shall not refuse, evade or interfere therewith.

(3) Matters necessary for the method, etc. of conducting checkups referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 62 (Regular Inspections of Exhaust Gases from Motor Vehicles in Operation)**

(1) The owner of a motor vehicle (excluding two-wheeled motor vehicles under Article 3 (1) 5 of the Motor Vehicle Management Act (hereinafter referred to as "two-wheeled motor vehicles"); the same shall apply in this paragraph) shall undergo a regular inspection of exhaust gases from motor vehicles in

operation conducted at regular intervals to verify whether the motor vehicle exhaust gases comply with the permissible emission levels for motor vehicles in operation determined under Article 43 (1) 2 of the Motor Vehicle Management Act and Article 13 (1) 2 of the Construction Machinery Management Act: Provided, That motor vehicles prescribed by Ordinance of the Ministry of Environment among low-emission motor vehicles and motor vehicles subject to close inspection under Article 63 shall be excluded from the subject matter of a regular inspection of exhaust gases in the relevant year. <Amended by Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012; Act No. 11907, Jul. 16, 2013>

(2) The owner of a two-wheeled motor vehicle shall undergo a regular inspection of exhaust gases (hereinafter referred to as "regular inspection of a two-wheeled motor vehicle") by the Minister of Environment at regular intervals to verify whether the exhaust gases emitted from the relevant two-wheeled motor vehicle comply with the permissible emission levels for motor vehicles in operation, as prescribed by Ordinance of the Ministry of Environment: Provided, That two-wheeled electric motor vehicles and other two-wheeled motor vehicles prescribed by Ordinance of the Ministry of Environment shall be excluded from the subjects of a regular inspection of two-wheeled motor vehicles. <Newly Inserted by Act No. 11907, Jul. 16, 2013>

(3) Where the owner of a two-wheeled motor vehicle is deemed unable to undergo a regular inspection of a two-wheeled motor vehicle due to a natural disaster or any other inevitable reason, the Minister of Environment may extend the inspection period of the relevant two-wheeled motor vehicle or suspend the regular inspection thereof, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11907, Jul. 16, 2013>

(4) The Minister of Environment may order the owner of a two-wheeled motor vehicle who has failed to undergo a regular inspection of a two-wheeled motor vehicle to pass the inspection, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11907, Jul. 16, 2013>

(5) A person who intends to undergo a regular inspection of a two-wheeled motor vehicle under paragraph (2) shall pay a fee determined by an agency for the regular inspection of two-wheeled motor vehicles under Article 62-2 (1) or by a designated maintenance provider under Article 62-3. <Newly Inserted by Act No. 11907, Jul. 16, 2013>

(6) Necessary matters relating to the method of conducting regular inspections of exhaust gases under paragraph (1) and regular inspections of two-wheeled motor vehicles (hereinafter referred to as "regular inspections"), subject-matter for inspection, and inspection capabilities of inspection institutions, motor vehicles subject to inspection, frequency of inspection, etc. respectively, shall be prescribed by Ordinance of the Ministry of Environment according to each type of motor vehicle. <Amended by Act No. 11907, Jul. 16, 2013>

(7) The Minister of Environment shall consult with the Minister of Land, Infrastructure and Transport when drafting Ordinance of the Ministry of Environment as referred to in paragraph (6): Provided, That the same shall not apply where he/she determines matters related to the regular inspections of two-wheeled motor vehicles. <Amended by Act No. 11907, Jul. 16, 2013>

(8) The Minister of Environment may request data on the findings from regular inspections of exhaust gases conducted under paragraph (1) from the Minister of Land, Infrastructure and Transport. In such cases, the Minister of Land, Infrastructure and Transport shall comply therewith, without any extraordinary reason. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11907, Jul. 16, 2013>

**Article 62-2 (Agency Performance of Regular Inspections of Two-Wheeled Motor Vehicles)**

(1) Where necessary to efficiently conduct regular inspections of two-wheeled motor vehicles, the Minister of Environment may allow a specialized institution prescribed by Presidential Decree to conduct regular inspections of two-wheeled motor vehicles on his/her behalf.

(2) Necessary matters relating to the facilities, equipment, human resources, etc. that an agency for regular inspection of two-wheeled motor vehicles should be equipped with under paragraph (1), shall be prescribed by Ordinance of the Ministry of Environment.

**Article 62-3 (Designation, etc. of Designated Maintenance Providers)**

(1) Where deemed necessary to efficiently conduct regular inspections of two-wheeled motor vehicles, the Minister of Environment may designate persons equipped with certain facilities and technical personnel, from among motor vehicle maintenance providers, as designated maintenance providers and allow them to perform the affairs related to regular inspections (including notification of the results thereof).

(2) A person who intends to be designated as a maintenance provider under paragraph (1) (hereinafter referred to as "designated maintenance provider") shall file an application for designation with the Minister of Environment after meeting facility and technical personnel standards prescribed by Ordinance of the Ministry of Environment.

(3) Necessary matters relating to the facility and technical personnel standards and procedures for the designation of designated maintenance providers, scope of inspection, etc., shall be prescribed by Ordinance of the Ministry of Environment.

**Article 62-4 (Revocation of Designation, etc.)**

(1) If an agency for the regular inspection of two-wheeled motor vehicles or a designated maintenance provider, falls under any of the following, the Minister of Environment may revoke its designation or suspend all or part of its business for a fixed period not exceeding six months: Provided, That in cases falling under subparagraph 1, he/she shall revoke the designation:

1. Where the designation is obtained by fraud or other wrongful means;
2. Where it offers or accepts illicit money or goods or commits any other offence in connection with its business;
3. Where it is deemed inappropriate to continue to engage in business due to its poor financial standing;
4. Where it falsely prepares a motor vehicle inspection chart or prepares it inconsistently with the inspection results;
5. Other cases prescribed by Ordinance of the Ministry of Environment, which violate the standards and procedures referred to in Article 62-3 with respect to the regular inspections of two-wheeled motor

vehicles.

(2) Detailed standards and procedures for dispositions issued under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

**Article 63 (Close Inspections of Exhaust Gases from Motor Vehicles in Operation)**

(1) The owner of a motor vehicle registered (referring to the registration filed under Article 5 of the Motor Vehicle Management Act and Article 3 of the Construction Machinery Management Act) in any of the following areas shall undergo a close inspection of exhaust gases emitted from motor vehicles in operation (hereinafter referred to as "close inspection") conducted by the competent Mayor/Do Governor, as prescribed by ordinance of the relevant City/Do:

1. Air quality control areas designated and publicly notified under Article 18 (1);
2. Any other areas prescribed by Presidential Decree among urban areas having a population of at least 500,000.

(2) Notwithstanding paragraph (1), all of the following motor vehicles shall be exempt from a close inspection:

1. Low-emission motor vehicles prescribed by Ordinance of the Minister of Environment;
2. Specific diesel motor vehicles that have undergone an inspection under Article 25 (2) of the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area;
3. Specific diesel motor vehicles in relation to which three years have not lapsed from the date the measures prescribed in Article 25 (4) of the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area was taken.

(3) Article 43-2 of the Motor Vehicle Management Act shall apply to close inspections.

(4) The owner of a motor vehicle determined noncompliant on two or more occasions as a result of close inspections (excluding a sensory test and a functional test) shall undergo re-inspection by a comprehensive inspection agent or designated maintenance provider for comprehensive inspections designated under Article 44-2 or 45-2 of the Motor Vehicle Management Act, submitting a report on maintenance or checkup issued by a specialized maintenance business entity registered under Article 68 (1) after undergoing maintenance or checkup by the specialized maintenance business entity. <Amended by Act No. 13034, Jan. 20, 2015>

(5) Standards for and method of conducting close inspections, items subject to inspection and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(6) Where the owner of a motor vehicle applies for a new registration, registration of modification or registration of transfer under Article 8, 11 or 12 of the Motor Vehicle Management Act, the Mayor/Do Governor having jurisdiction over the areas prescribed in the subparagraphs of paragraph (1) shall note the inspection cycle, etc. on the motor vehicle registration certificate so that the fact that the motor vehicle is subject to a close inspection is recognizable.

**Articles 64 through 67 Deleted.** <by Act No. 11256, Feb. 1, 2012>

## **Article 68 (Registration, etc. of Business Specializing in Exhaust Gas Maintenance)**

(1) A person who intends to run a business performing maintenance, a checkup or verification inspection of parts related to the exhaust gases of motor vehicles shall file a registration of a specialized exhaust gas maintenance business with the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of the relevant Si/Gun/Gu upon being equipped with facilities, equipment and technical personnel meeting the standards prescribed by Presidential Decree after completing a registration of a motor vehicle management business under Article 53 of the Motor Vehicle Management Act. The same shall also apply where he/she intends to alter any of the significant registered matter prescribed by Presidential Decree. *<Amended by Act No. 11907, Jul. 16, 2013>*

(2) Where a person registered for a specialized exhaust gas maintenance business under paragraph (1) (hereinafter referred to as "specialized maintenance business entity") conducts any maintenance, checkup or verification inspection under this Act, he/she shall issue a report thereon and enter the details of such report in the comprehensive computer system for exhaust gases under Article 54. *<Amended by Act No. 13034, Jan. 20, 2015>*

(3) A specialized maintenance business entity shall have his/her registered technical personnel undergo education conducted by the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment may entrust such education to related specialized agencies.

(4) No specialized maintenance business entity or technical personnel engaged in maintenance services shall do any of the following acts:

1. Issuing a report on maintenance, a checkup or a verification inspection, or entering the details thereof into the electronic data processing system by fraudulent or any other wrongful means;
2. Lending his/her registration certificate to another person or allowing another person to provide any maintenance, checkup or verification inspection services using his/her name;
3. Allowing a person, other than registered technical personnel, to provide any maintenance, checkup or verification inspection services;
4. Any other act violating a matter to be complied with under Ordinance of the Ministry of Environment concerning the maintenance, checkup or verification inspection services.

(5) Standards and procedure for the registration of specialized maintenance business entities and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

## **Article 69 (Revocation, etc. of Registration)**

(1) Where a specialized maintenance business entity falls under any of the following subparagraphs, a Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may issue an order to suspend all or part of his/her business for a fixed period not exceeding six months, or may revoke his/her registration: Provided, That in cases falling under subparagraph 1, 2, 4 or 5, the relevant registration shall be revoked: *<Amended by Act No. 11907, Jul. 16, 2013>*



1. Where he/she has been registered by deceitful or other unlawful means;
  2. Where he/she falls under any ground for disqualification prescribed in Article 69-2: Provided, That this shall not apply where he/she falls under grounds for disqualification under Article 69-2 (5) and the ground for disqualification ceases to exist within two months from the date such grounds occur;
  3. Where he/she performs any false maintenance, checkup or verification inspection intentionally or by gross negligence;
  4. Where his/her registration for a motor vehicle management business is revoked under Article 66 of the Motor Vehicle Management Act;
  5. Where he/she performs any maintenance, checkup or verification inspection during a period of business suspension;
  6. Where he/she falls short of the standards for registration referred to in Article 68 (1);
  7. Where he/she fails to register an altered matter under the latter part of Article 68 (1);
  8. Where he/she commits any prohibited act stipulated under Article 68 (4).
- (2) Detailed standards for administrative dispositions to be taken under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 69-2 (Grounds for Disqualification)**

None of the following persons shall be registered for a specialized maintenance business: *<Amended by Act No. 13034, Jan. 20, 2015>*

1. An adult ward or a limited ward;
2. A bankrupt who has not been reinstated;
3. A person for whom two years have not passed since the execution of his/her imprisonment with prison labor or heavier punishment sentenced to by a court for violating this Act was terminated (including where such execution is deemed to have been terminated) or exempted;
4. A person for whom two years have not passed since his/her registration was revoked under Article 69;
5. A corporation employing a person falling under any of subparagraphs 1 through 4.

#### **Article 70 (Orders for Improvement of Motor Vehicles in Operation)**

(1) Where exhaust gases from a motor vehicle in operation are found to exceed the permissible emission levels for motor vehicles in operation as a result of a checkup conducted under Article 61, the Minister of Environment, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may order an owner of the motor vehicle to improve it, as prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 11256, Feb. 1, 2012; Act No. 11907, Jul. 16, 2013>*

(2) A person in receipt of an order for improvement under paragraph (1) shall have his/her motor vehicle undergo maintenance, a checkup or verification inspection conducted by a specialized maintenance business entity within the period prescribed by Ordinance of the Minister of Environment. *<Amended by Act No. 11256, Feb. 1, 2012>*

(3) Notwithstanding paragraph (2), where no owner's intention or negligence has existed (any intention or negligence shall be substantiated by the relevant motor vehicle manufacturer), the maintenance, checkup or verification inspection of a motor vehicle within the warranty period of exhaust gases shall be conducted at the expenses of the relevant motor vehicle manufacturer: Provided, That where the motor vehicle manufacturer is unable to conduct verification inspections directly, it may entrust the verification inspections to a comprehensive inspection agent designated under Article 44-2 of the Motor Vehicle Management Act or a designated maintenance provider for comprehensive inspections designated under Article 45-2 of the same Act (hereafter referred to as "specialized maintenance business entity, etc." in this Article). *<Amended by Act No. 11256, Feb. 1, 2012>*

(4) A motor vehicle which has undergone maintenance, a checkup or verification inspection under paragraph (2) or (3) may be exempted from regular inspections and close inspections for the period prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 11256, Feb. 1, 2012>*

(5) Where a specialized maintenance business entity, etc. or a motor vehicle manufacturer has conducted any maintenance, checkup or verification inspection under paragraph (2) or (3), he/she shall issue a report on such maintenance, checkup or verification inspection to the owner of the motor vehicle and report the results of such maintenance, checkup or verification inspection to the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu. *<Newly Inserted by Act No. 11256, Feb. 1, 2012; Act No. 11907, Jul. 16, 2013>*

#### **Article 70-2 (Suspension of Operation of Motor Vehicles)**

(1) Where the owner of a motor vehicle in receipt of an order for improvement of his/her motor vehicle under Article 70 (1) fails to undergo a verification inspection under paragraph (2) of the same Article within the period prescribed by Ordinance of the Ministry of Environment, the Minister of Environment, Special Metropolitan City Mayor, Metropolitan City Mayor, the Metropolitan Autonomous City Mayor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may order such owner to suspend the operation of the motor vehicle fixing a period up to ten days. *<Amended by Act No. 11907, Jul. 16, 2013>*

(2) Detailed standards for dispositions to suspend operation under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

**Articles 71 through 73 Deleted.** *<by Act No. 11256, Feb. 1, 2012>*

#### **Article 74 (Inspections, etc. of Motor Vehicle Fuels, Additives, or Catalysts)**

(1) Any person who intends to manufacture (including importation; hereafter the same shall apply in this Article, Articles 75, 82 (1) 11, subparagraphs 9 and 13 of Article 89, subparagraph 10 of Article 91, Article 94 (4) 14) motor vehicle fuels, additives, or catalysts, shall meet the manufacturing standards prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "manufacturing standards"). *<Amended by Act No. 9311, Dec. 31, 2008; Act No. 11907, Jul. 16, 2013>*

(2) Any person who intends to manufacture motor vehicle fuels, additives or catalysts, shall undergo a prior inspection by the Minister of Environment to ascertain whether they meet the manufacturing standards. <Newly Inserted by Act No. 9311, Dec. 31, 2008>

(3) Where necessary for maintaining the quality of motor vehicle fuels, additives or catalysts, the Minister of Environment may inspect the motor vehicle fuels, additives, or catalysts being distributed and sold in markets to ascertain whether they meet the manufacturing standards. <Newly Inserted by Act No. 11445, May 23, 2012>

(4) No one shall supply, sell, or use any of the following products as motor vehicle fuels, additives or catalysts: Provided, That the same shall not apply where an entity prescribed by Ordinance of the Ministry of Environment, including schools and research institutes, manufactures, supplies, or uses them for testing or research purposes: <Amended by Act No. 9311, Dec. 31, 2008; Act No. 11907, Jul. 16, 2013>

1. Motor vehicle fuels, additives, or catalysts determined noncompliant with the manufacturing standards, in violation of paragraph (1), as a result of an inspection conducted under paragraph (2);
2. Motor vehicle fuels, additives or catalysts that have not undergone inspections, in violation of paragraph (2), or those manufactured differently from the details inspected.

(5) Where the Minister of Environment deems any motor vehicle fuel, additive or catalyst causes an environmental hazard or emits any substance significantly harmful to human health, he/she may restrict the manufacture, sale or use thereof, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 9311, Dec. 31, 2008>

(6) Any person who intends to manufacture additives or catalysts shall indicate that the additives or catalysts have been inspected and have complied with the manufacturing standards referred to in paragraph (2), as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 9311, Dec. 31, 2008>

(7) Any person who intends to undergo an inspection under paragraph (2) shall pay a fee prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 9311, Dec. 31, 2008>

(8) Methods of, and procedures, for conducting inspections under paragraphs (2) and (3) shall be prescribed by Presidential Decree. <Amended by Act No. 9311, Dec. 31, 2008; Act No. 11445, May 23, 2012>

#### **Article 74-2 (Performance of Inspections by Agencies)**

(1) The Minister of Environment may designate a specialized institution to perform inspection affairs on his/her behalf, if necessary for the efficient performance of inspection affairs under Article 74.

(2) An institution designated under paragraph (1) (hereinafter referred to as "inspection agency") and any person who is in charge of inspection affairs shall not do the following acts: <Amended by Act No. 11445, May 23, 2012>

1. Allowing a third person to perform inspection affairs in his/her or its name;
2. Performing inspection affairs by fraudulent or other illegal means;
3. Violating a matter to be complied with under Ordinance of the Ministry of Environment in connection with inspection affairs;

4. Performing inspection affairs in violation of methods of and procedures for conducting inspections under Article 74 (8).

(3) Standards and procedures for designating an inspection agency, and other matters necessary for inspection affairs shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 74-3 (Revocation of Designation of Inspection Agencies)**

Where an inspection agency falls under any of the following subparagraphs, the Minister of Environment may revoke the designation as the inspection agency or order to suspend the whole or part of its business with a fixed period of time within six months: Provided, That where it falls under subparagraph 1, he/she shall revoke such designation:

1. Where it has been designated by fraudulent or other illegal means;
2. Where it has committed any prohibited act stipulated under the subparagraphs of Article 74-2 (2);
3. Where it has failed to meet the standards for designation under Article 74-2 (3).

#### **Article 75 (Suspension of Manufacture, Supply, and Sale of Motor Vehicle Fuels, Additives, or Catalysts and Withdrawal thereof)**

(1) The Minister of Environment may issue an order to any person who manufactures motor vehicle fuels, additives or catalysts prohibited from supply, sale or use under Article 74 (4) and to suspend the manufacture thereof or to withdraw products which are being distributed or sold. *<Amended by Act No. 11907, Jul. 16, 2013>*

(2) The Minister of Environment may issue an order to any person who supplies or sells motor vehicle fuels, additives or catalysts which are prohibited from the supply, sale or use under Article 74 (4) to suspend the supply or sale thereof. *<Amended by Act No. 9311, Dec. 31, 2008; Act No. 11445, May 23, 2012; Act No. 11907, Jul. 16, 2013>*

#### **Article 75-2 (Recommendations for Use of Eco-Friendly Fuels)**

(1) If deemed necessary to improve the atmospheric environment, the Minister of Environment or Mayors/Do Governors may recommend the use of eco-friendly motor vehicle fuels.

(2) The types and quality standards of eco-friendly fuels referred to in paragraph (1), motor vehicles eligible to use them, regions where they are to be used, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment following consultation with the Minister of Trade, Industry and Energy. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 76 (Permissible Emission Levels for Ships, etc.)**

(1) The owner of a ship shall comply with the permissible emission levels set by Ordinance of the Ministry of Environment when emitting any of the air pollutants prescribed by Presidential Decree among air pollutants emitted from the diesel engine of the ship under Article 23-5 (1) of the Prevention of Marine Pollution Act. *<Amended by Act No. 8260, Jan. 19, 2007>*

(2) When setting the permissible emission levels referred to in paragraph (1), the Minister of Environment shall consult beforehand with the heads of relevant central administrative agencies with regard thereto.

(3) Where deemed necessary, the Minister of Environment may request the Minister of Oceans and Fisheries to perform the inspections referred to in Article 24 (1) of the Prevention of Marine Pollution Act to determine whether the permissible emission levels referred to in paragraph (1) are complied with.

*<Amended by Act No. 8260, Jan. 19, 2007; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

**Article 76-2 (Permissible Levels of Greenhouse Gas Emissions from Motor Vehicles)**

Where a motor vehicle manufacturer chooses to comply with the permissible levels of greenhouse gas emissions from motor vehicles pursuant to Article 47 (2) of the Framework Act on Low Carbon, Green Growth, it shall manufacture and sell motor vehicles to ensure that the average quantity of greenhouse gas emissions from motor vehicles prescribed by Ordinance of the Ministry of Environment is in compliance with the acceptable levels prescribed by the Minister of Environment (hereinafter referred to as "permissible levels of greenhouse gas emissions").

**Article 76-3 (Reporting on Quantity of Greenhouse Gas Emissions from Motor Vehicles)**

(1) Where a motor vehicle manufacturer intends to sell any motor vehicle prescribed by Ordinance of the Ministry of Environment pursuant to Article 76-2, it shall measure the quantity of greenhouse gas emissions from the relevant motor vehicle at a test agency designated by the Minister of Environment and report the measurement results to the Minister of Environment: Provided, That a motor vehicle manufacturer that has equipment and human resources prescribed by Ordinance of the Ministry of Environment may self-measure the quantity of greenhouse gas emissions and file a report on the results thereof.

(2) Where any measurement results reported by a motor vehicle manufacturer under paragraph (1) need to be complemented, the Minister of Environment may demand the motor vehicle manufacturer to make a correction or complementation thereof within 30 days. In such cases, the motor vehicle manufacturer shall comply therewith, if no justifiable reason exists to the contrary.

(3) In order to ascertain whether a motor vehicle manufacturer has manufactured motor vehicles in compliance with the measurement results reported under paragraph (1), the Minister of Environment may, within one year, conduct a post-examination of the motor vehicle, the measurement results of which have been reported under the same paragraph, as prescribed by Ordinance of the Ministry of Environment. In such cases, the permissible error limits of post-examination of measurement results shall be set by Ordinance of the Ministry of Environment.

**Article 76-4 (Indication of Quantity of Greenhouse Gas Emissions from Motor Vehicles)**

(1) In order to promote the use and consumption of motor vehicles with low green house gas emissions, each motor vehicle manufacturer shall indicate on the relevant motor vehicle the quantity of greenhouse gas emissions reported to the Minister of Environment under Article 76-3.

(2) The method of indicating the quantity of greenhouse gas emissions under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

**Article 76-5 (Application, Management, etc. of Permissible Levels of Greenhouse Gas Emissions from Motor Vehicles and Efficiency Standards for Average Energy Consumption)**

(1) Each motor vehicle manufacturer shall submit to the Minister of Environment sales records and other data prescribed by the Minister of Environment, which are required to ascertain whether the permissible greenhouse gas emission levels from motor vehicles and the efficiency standards for average energy consumption (referring to the efficiency standards for average energy consumption prescribed by the Minister of Trade, Industry and Energy under Article 47 (2) of the Framework Act on Low Carbon, Green Growth; hereinafter the same shall apply) are complied with.

(2) Where any motor vehicle manufacturer's average quantity of greenhouse gas emissions or efficiency of average energy consumption of the relevant year is in compliance with the permissible greenhouse gas emission levels or the efficiency standards for average energy consumption, it may use the difference between those quantities and the permissible average emission quantities from the following year by carrying it forward for the period prescribed by Ordinance of the Ministry of Environment or trade in it with another motor vehicle manufacturer, and where its average quantities of greenhouse gas emissions or efficiency of average energy consumption of the relevant year are in noncompliance with the permissible levels of greenhouse gas emissions or the efficiency standards for average energy consumption, it may redeem the portion that exceeds the permissible average emission quantities or the average energy consumption required from the following year for the period prescribed by Ordinance of the Ministry of Environment.

(3) A method of preparing data referred to in paragraphs (1) and (2) and time frames of submission, method of calculating the residual portion and the excess portion, method of redemption and trading and other necessary matters shall be prescribed and publicly notified by the Minister of Environment.

#### **Article 76-6 (Imposition of Penalty Surcharges)**

(1) The Minister of Environment may impose on, and collect from, each motor vehicle manufacturer that fails to comply with the permissible levels of greenhouse gas emissions a penalty surcharge not exceeding the amount computed by multiplying the sales figures prescribed by Presidential Decree depending on the excess portion by one percent: Provided, That this shall not apply where a motor vehicle manufacturer redeems the excess portion pursuant to Article 76-5 (2).

(2) A method of computing penalty surcharges under paragraph (1), the amount and timing of collection thereof, and other necessary matters shall be prescribed by Presidential Decree. In such cases, the amount of a penalty surcharge shall be determined at the same level as the amount of penalty surcharge imposed where the efficiency standards for average energy consumption are not complied with.

(3) Where a person who shall pay a penalty surcharge fails to pay it by the payment deadline, the Minister of Environment shall collect it in the same manner as delinquent national taxes are collected.

(4) Penalty surcharges collected under paragraph (1) shall be accounted as the revenue of the Special Account for Environmental Improvement under the Framework Act on Environmental Policy.

#### **Article 76-7 (Support for Low Greenhouse Gas Emitting Motor Vehicles)**

(1) The Minister of Environment may provide financial support to a person who purchases a low greenhouse gas emitting motor vehicle (hereinafter referred to as "low-carbon motor vehicle").

(2) Low-carbon motor vehicles eligible for financial support under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment among the passenger motor vehicles and motor vehicles for passengers and freight (limited to the motor vehicles with not more than ten seats) as classified under Article 3 of the Motor Vehicle Management Act, taking into consideration the permissible levels of greenhouse gas emissions from motor vehicles determined under Article 76-2.

(3) The financial support referred to in paragraph (1) shall be provided within the amount of cooperation charges for low-carbon motor vehicles collected under Article 76-8, and matters necessary for standards for subsidies, amount of subsidies for each standard and procedure and other matters shall be prescribed by Ordinance of the Ministry of Environment following consultation with the heads of the relevant central administrative agencies.

(4) The Minister of Environment may entrust motor vehicle manufacturers, etc. with the affairs related to financial support for purchasers of low-carbon motor vehicles. In such cases, he/she may grant them some of cooperation charges for low-carbon motor vehicles collected under Article 76-8 (1) as entrustment fees, as prescribed by Ordinance of the Ministry of Environment, following consultation with the heads of the relevant central administrative agencies.

#### **Article 76-8 (Imposition of Cooperation Charges for Low-Carbon Motor Vehicles)**

(1) In order to secure necessary financial resources for providing financial support to persons who purchase low-carbon motor vehicles, the Minister of Environment may impose a charge on, and collect it from, the persons who purchase motor vehicles with high greenhouse gas emissions (hereinafter referred to as "cooperation charges for low-carbon motor vehicles")

(2) Motor vehicles subject to paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment among the passenger motor vehicles and motor vehicles for passengers and freight (limited to the motor vehicles with not more than ten seats) as classified under Article 3 of the Motor Vehicle Management Act, taking into consideration the permissible levels of greenhouse gas emissions from motor vehicles referred to in Article 76-2.

(3) Standards for calculation, procedures for imposition and collection of cooperation charges for low-carbon motor vehicles and other matters shall be prescribed by Ordinance of the Ministry of Environment, following consultation with the heads of the central administrative agencies.

(4) Cooperation charges for low-carbon motor vehicles collected under paragraph (1) shall be accounted as the revenue of the Special Account for Environmental Improvement under the Framework Act on Environmental Policy.

(5) The Minister of Environment may entrust motor vehicle manufacturers, etc. with the affairs related to the collection of cooperation charges for low-carbon motor vehicles. In such cases, he/she may grant them some of the collected cooperation charges for low-carbon motor vehicles as collection fees, as prescribed by Ordinance of the Ministry of Environment, following consultation with the heads of the relevant central administrative agencies.

### **Article 77 (Training of Environmental Engineers, etc.)**

(1) A person who employs environmental engineers shall have them take the training prepared for relevant persons by the Minister of Environment or the Mayor/Do Governor as prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment or the Mayor/Do Governor may collect money for expenses incurred for the training under paragraph (1) from the employers of trainees as prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment or the Mayor/Do Governor may entrust the training under paragraph (1) to relevant professional institutions.

### **Article 77-2 (Diffusion of Eco-Friendly Driving Culture, etc.)**

(1) The Minister of Environment shall promote the following policies for the purposes of widely spreading and establishing a driving method which might reduce emissions of pollutants (including greenhouse gases) and save energy (hereinafter referred to as "eco-friendly driving"):

1. Development and supply of educational and promotional programs related to eco-friendly driving;
2. Establishment and running of a course of study related to eco-friendly driving;
3. Fostering and support of professional manpower related to eco-friendly driving;
4. Establishment and running of experience facilities to give the chance to experience eco-friendly driving;
5. Other policies prescribed by Ordinance of the Ministry of Environment in order to spread eco-friendly driving culture.

(2) The Minister of Environment may, where a private environmental organization, etc. perform various activities to promote policies referred to in paragraph (1), such as training and promotion, support such activities.

### **Article 77-3 (Support, etc. for Exemplary Institutions in Use of Bicycles)**

(1) In order to reduce the emissions of pollutants, such as greenhouse gases, and to maintain the pleasant atmospheric environment, the Minister of Environment may designate institutions that proactively promote the use of bicycles as exemplary institutions in the use of bicycles.

(2) Matters concerning the standards for the designation of exemplary institutions in the use of bicycles under paragraph (1) and procedures for designation and other matters shall be prescribed by the Minister of Environment.

(3) Where an exemplary institution in the use of bicycles designated under paragraph (1) falls under any of the following cases, the Minister of Environment may revoke the designation: Provided, That he/she must revoke the designation in the cases falling under subparagraph 1:

1. Where it has obtained the designation by fraudulent or other illegal means;
2. Where it fails to meet the standards for designation prescribed under paragraph (2).

### **Article 78 (Establishment, etc. of the Korea Automobile Environmental Association)**



(1) The Korea Automobile Environmental Association to perform the business affairs under Article 80 may be established in order to reduce damage to the human body and the environment caused by exhaust gases emitted from motor vehicles. <Amended by Act No. 11256, Feb. 1, 2012>

(2) The Korea Automobile Environmental Association shall be a corporation. <Amended by Act No. 11256, Feb. 1, 2012>

(3) The Korea Automobile Environmental Association shall obtain permission for its establishment from the Minister of Environment. <Amended by Act No. 11256, Feb. 1, 2012>

(4) The provisions of the Civil Act pertaining to incorporated associations shall apply mutatis mutandis to the Korea Automobile Environmental Association, unless otherwise expressly provided for in this Act. <Amended by Act No. 11256, Feb. 1, 2012>

#### **Article 79 (Members)**

Any of the following persons may become a member of the Korea Automobile Environmental Association:

1. A manufacturer of exhaust gas reduction devices;
2. An entity of a business related to exhaust gas reduction services, such as the manufacture or replacement of low-emission engines;
3. A specialized maintenance business entity;
4. An expert in a field related to exhaust gas reduction devices, low-emission engines, etc.;
5. A comprehensive inspection agent designated under Article 44-2 of the Motor Vehicle Management Act;
6. A designated maintenance provider for comprehensive inspections designated under Article 45-2 of the Motor Vehicle Management Act;
7. An entity of a business related to early scrapping of motor vehicles.

#### **Article 80 (Business Affairs)**

The Association shall perform the following business affairs, as stipulated by its articles of association: <Amended by Act No. 11256, Feb. 1, 2012>

1. Technological development to convert motor vehicles in operation into low-emission motor vehicles and distribution of exhaust gas reduction devices;
2. Matters concerning support for projects for reducing exhaust gases emitted from motor vehicles and the ex post facto management thereof;
3. Inspection of exhaust gases from motor vehicles in operation and projects for research and development of maintenance technology;
4. Business affairs entrusted by the Minister of Environment or the Mayors/Do Governors;
5. Other matters necessary for reducing exhaust gases emitted from motor vehicles.

#### **Article 80-2 (Stack Tele-Monitoring System Association)**

(1) There is hereby established a Stack Tele-Monitoring System Association to perform the following activities for developing technologies related to the devices for measuring air pollutants emitted from

stacks (hereafter referred to as "stack tele-monitoring system" in this Article) and fostering industries related thereto: *<Amended by Act No. 13034, Jan. 20, 2015>*

1. Development and dissemination of technologies related to a stack tele-monitoring system;
  2. Provision of education, and development and dissemination of teaching materials related to a stack tele-monitoring system;
  3. Education of, and provision of technical support to, persons who operate and manage a stack tele-monitoring system;
  4. Projects entrusted by the Minister of Environment or the head of a local government.
- (2) The Stack Tele-Monitoring System Association shall be a corporation.
- (3) Establishment of the Stack Tele-Monitoring System Association shall be permitted by the Minister of Environment.
- (4) A person, etc. who imports, manufactures or sells stack tele-monitoring systems or parts thereof may become a member of the Stack Tele-Monitoring System Association, as stipulated by its articles of association.
- (5) Unless otherwise expressly provided for in this Act, the provisions of the Civil Act pertaining to incorporated associations shall apply mutatis mutandis to the Stack Tele-Monitoring System Association.

#### **Article 81 (Financial and Technical Support)**

(1) The State or local governments may provide financial and technical support to local governments or business entities, etc., that perform any of the following projects to improve the atmospheric environment: *<Amended by Act No. 9931, Jan. 13, 2010; Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012; Act No. 13874, Jan. 27, 2016>*

1. Projects necessary for the formulation and implementation of comprehensive plans under Article 11;
  2. Installation, operation, and management of measuring devices under Article 32 (1) and (4);
  3. Projects necessary for ensuring the compliance with stringent permissible emission levels and special permissible emission levels in special measures areas under Article 16 (5);
  - 3-2. Projects for reducing fugitive emissions of air pollutants under Article 38-2;
  - 3-3. Research and technical development related to paints satisfying the volatile organic compound content levels;
  4. Projects for installing measuring devices or transmitting measuring results to a computer network under Article 32;
  5. Research and technical development for close inspections under Article 63;
  6. Projects necessary for expanding the distribution of eco-friendly fuels under Article 75-2 and establishment of a foundation therefor;
  7. Other projects deemed necessary by the Minister of Environment for improving the atmospheric environment.
- (2) The State may provide necessary financial support for the protection and surveillance activities to prevent damage from yellow dust and air pollution, damage prevention projects, and other activities of

corporations or organizations related to the prevention of damage from yellow dust, or air pollution or improvement of the atmospheric environment. <Amended by Act No. 11256, Feb. 1, 2012>

(3) Details of corporations and organizations eligible for financial support under paragraph (2) and the procedures and methods of providing financial support and other matters shall be prescribed by Presidential Decree.

#### **Article 82 (Reports, Inspections, etc.)**

(1) In cases prescribed by Ordinance of the Ministry of Environment, the Minister of Environment, a Mayor/Do Governor, and the head of a Si/Gun/Gu may order any of the following persons to make necessary reports or submit data, and require relevant public officials (including any employee of the relevant specialized institutions entrusted with the duties of the Minister of Environment under Article 87 (2)) to gain access to relevant facilities, places of business, etc., to collect pollutants or inspect related documents, facilities, equipment, etc., in order to verify whether the management plan referred to in Article 9-3 (2) is complied with, whether the permissible emission levels referred to in Article 16 or 46 (3) are complied with, whether measuring devices referred to in Article 32 are operating normally (limited to matters prescribed in Article 32 (7) in cases of any employee of the relevant specialized institutions entrusted with the duties of the Minister of Environment under Article 87 (2)), whether the agency business for managing measuring devices referred to in Article 32-2 are properly performed, whether the facility management standards referred to in Article 38-2 (3) are met; whether the volatile organic compound content levels referred to in Article 44-2 are complied with; and whether the certification tests conducted under Article 48; performance of testing affairs for certification by proxy under Article 48-2; inspection affairs under Article 62, performance of regular inspections by proxy of two-wheeled motor vehicles by proxy under Article 62-2; affairs related to regular inspections of two-wheeled motor vehicles under Article 62-3; inspections under Article 74; and performance of inspection affairs by proxy under Article 74-2 are properly performed, and whether the permissible levels of greenhouse gas emissions and the efficiency standards for average energy consumption are complied with: <Amended by Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012; Act No. 11750, Apr. 5, 2013; Act No. 11907, Jul. 16, 2013; Act No. 13034, Jan. 20, 2015; Act No. 13874, Jan. 27, 2016>

1. A business entity;
- 1-2. An owner or manager under Article 9-3 (2);
- 1-3. An agent for managing measuring devices;
- 1-4. A person who operates fugitive emission facilities under Article 38-2 (1);
2. A person who supplies, sells or uses oil, the sulfur content levels of which are determined under Article 41 (1);
3. A person prohibited from manufacturing, selling, or using fuels under Article 42;
4. A person who reports a business generating fugitive dust under Article 43 (1);
5. A person who installs facilities emitting volatile organic compounds under Article 44;

- 5-2. A person who supplies or sells paints under Article 44-2;
6. A motor vehicle manufacturer referred to in Article 46;
7. A person designated as a testing agency for certification under Article 48-2 (1);
8. A person who manufactures, supplies, or sells exhaust gas reduction devices or low-emission engines under Article 60 (1);
- 8-2. A person who performs agency affairs related to regular inspections of two-wheeled motor vehicles under Article 62-2;
- 8-3. A designated maintenance provider for regular inspections of two-wheeled motor vehicles under Article 62-3;
9. A specialized maintenance business entity;
10. A person entrusted to conduct verification inspections by a motor vehicle manufacturer under Article 70 (3);
11. A person who manufactures, supplies, or sells motor vehicle fuels, additives, or catalysts under Article 74;
12. A person designated as an inspection agency under Article 74-2;
13. A person is entrusted with the duties of the Minister of Environment under Article 87 (2).

(2) Where pollutants are collected to verify whether permissible emission levels are complied with under paragraph (1), the Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu shall entrust an inspection institution prescribed by Ordinance of the Ministry of Environment with the inspection of the pollution level thereof: Provided, That the same shall not apply where it is possible to determine on site whether the permissible emission levels are exceeded, and prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11445, May 23, 2012>

(3) A public official who gains access and conducts inspections under paragraph (1) shall carry a certificate of identification indicating his/her authority and present it to relevant persons.

(4) Each Mayor/Do Governor shall prepare the current status of management of exhaust facilities and submit it to the Minister of Environment each year. <Newly Inserted by Act No. 13034, Jan. 20, 2015>

(5) Matters necessary for the preparation and submission of the current state of management of exhaust facilities under paragraph (4) shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13034, Jan. 20, 2015>

### **Article 83 (Cooperation with Related Agencies)**

The Minister of Environment may request the heads of the relevant central administrative agencies, Mayors/Do Governors or heads of Sis/Guns/Gus to take following measures, if deemed necessary for achieving the purposes of this Act. In such cases, the heads of relevant central administrative agencies, Mayors/Do Governors or heads of Sis/Guns/Gus in receipt of such request shall comply therewith, without any extraordinary reason: <Amended by Act No. 9695, May 21, 2009; Act No. 11256, Feb. 1, 2012; Act No. 11907, Jul. 16, 2013>

1. Improvement of heating systems;
2. Alteration or replacement of motor vehicle engines;
3. Restriction on the life span of motor vehicles;
4. Restriction on the traffic of motor vehicles;
5. Measures for preventing damage caused by yellow dust;
6. Electronic data on the registration, inspection, specifications, performance, etc. of motor vehicles, which are necessary for the electronic data processing of close inspection services and affairs related to the regular inspections of two-wheeled motor vehicles;
7. Policies for spreading the eco-friendly driving culture;
8. Electronic data on registered information, such as specifications of motor vehicles, required for occasional checkups of motor vehicles in operation under Article 61;
9. Electronic data on comprehensive inspections, such as the current registration status of motor vehicles subject to comprehensive inspections and matters subject to the inspections prescribed in Article 43-2 of the Motor Vehicle Management Act;
10. Electronic data on reconfiguration inspections, which include installation of exhaust gas reduction devices and conversion into low-emission engines under Article 58 (1) of this Act and Article 25 (4) of the Special Act on the Improvement of Air Quality in Seoul Metropolitan Area;
11. Electronic data on the results of maintenance, checkups or verification inspections entered by specialized maintenance business entity under Article 68 (2);
12. Any other matters prescribed by Presidential Decree.

#### **Article 84 (Criteria for Administrative Dispositions)**

The criteria for administrative dispositions on violations of this Act or orders under this Act shall be prescribed by Ordinance of the Ministry of Environment.

#### **Article 85 (Hearings)**

The Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu who intends to take any of the following dispositions shall hold a hearing: <Amended by Act No. 9311, Dec. 31, 2008; Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012; Act No. 11907, Jul. 16, 2013; Act No. 13874, Jan. 27, 2016>

1. Revocation of designation under Article 7-3 (4);
- 1-2. Revocation of registration under Article 32-3 (1);
2. An order to revoke a permit or to close emission facilities under Article 36 or 38;
3. An order to prohibit the supply, sale, or use of fuels under Article 41 (4);
4. An order to prohibit the manufacture, sale, or use of fuels under Article 42;
- 4-2. Revocation of designation as a testing agency for certification or an order to suspend its business under Article 48-3;
5. An order to correct defects under Article 51 (4) or (6);
6. Revocation of certification under Article 55;

- 6-2. Revocation of designation under Article 62-4;
7. Revocation of registration of a specialized maintenance business entity under Article 69;
8. Revocation of designation as an inspection agency or an order to suspend its business under Article 74-3;
9. Revocation of designation as an exemplary institutions in the use of bicycles under Article 77-3 (3).

#### **Article 86 (Fees)**

Any of the following persons shall pay fees prescribed by Ordinance of the Ministry of Environment:

1. A person who intends to obtain a permit to install emission facilities or permit for alteration thereof or to file a report on the installation of emission facilities or a report on the alteration thereof under Article 23;
2. A person who applies for the certification, certification for alteration, or omission of certification of manufactured motor vehicles under Article 48.

#### **Article 87 (Delegation and Entrustment of Authority)**

(1) The authority of the Minister of Environment under this Act may be partially delegated to the Mayors/Do Governors, the heads of Sis/Guns/Gus, the head of the Environment Institute under the umbrella of the Ministry of Environment, or the head of a local environmental government office, as prescribed by Presidential Decree. *<Amended by Act No. 11907, Jul. 16, 2013>*

(2) The Minister of Environment may entrust part of his/her duties under this Act to relevant professional institutions, as prescribed by Presidential Decree.

#### **Article 88 (Legal Fiction as Public Official for Purposes of Penal Provisions)**

Any executive and employee of a corporation or organization performing the duties entrusted under Article 87 (2) shall be deemed a public official for the purposes of Articles 129 through 132 of the Criminal Act.

#### **Article 89 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment for not more than seven years or by a fine not exceeding 100 million won: *<Amended by Act No. 9311, Dec. 31, 2008; Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012; Act No. 11907, Jul. 16, 2013; Act No. 13034, Jan. 20, 2015; Act No. 13874, Jan. 27, 2016>*

1. Any person who installs or alters any emission facility, or runs any business using such emission facility without obtaining a permit for installation or permit for alteration under Article 23 (1) or (2), or obtaining such permits by fraudulent means;
2. Any person who installs and operates emission facilities without installing prevention facilities under the main body of Article 26 (1) or Article 26 (2);
3. Any person who engages in activities referred to in Article 31 (1) 1 or 5;
4. Any person who violates an order to suspend operation issued under Article 34 (1) or fails to perform an order to take measures issued under paragraph (2) of the same Article;
5. Any person who violates an order to close emission facilities or suspend the operation thereof issued under Article 36;

- 5-2. Any person who fails to comply with an order for suspension of the use or for closure of emission facilities issued under Article 38;
6. Any person who manufactures motor vehicles not in compliance with the permissible emission levels for manufactured motor vehicles, in violation of Article 46;
- 6-2. Any person who manufactures motor vehicles, in violation of Article 46 (4);
7. Any person who manufactures motor vehicles without obtaining certification, in violation of Article 48 (1);
- 7-2. Any person who manufactures motor vehicles without complying with a redemption order issued under Article 50-3;
- 7-3. Any person who commits any activity specified in subparagraph 1 of Article 55;
8. Any person who manufactures, supplies, or sells exhaust gas reduction devices, low-emission engines, or engine-idling control devices without obtaining certification or certification for alteration, in violation of Article 60;
9. Any person who manufactures motor vehicle fuels, additives, or catalysts not in compliance with the manufacturing standards, in violation of Article 74 (1);
10. Any person who fails to undergo an inspection of motor vehicle fuels, additives, or catalysts, in violation of Article 74 (2);
11. Any person who refuses, interferes with, or evades an inspection of motor vehicle fuels, additives, or catalysts conducted under Article 74 (3);
12. Any person who supplies or sells motor vehicle fuels, in violation of the main body of Article 74 (4);
13. Any person who violates an order to suspend manufacture, to withdraw, or to suspend the supply and sale of products issued under Article 75.

#### **Article 90 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment for not more than five years, or by a fine not exceeding fifty million won: <Amended by Act No. 9311, Dec. 31, 2008; Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012; Act No. 13034, Jan. 20, 2015; Act No. 13528, Dec. 1, 2015; Act No. 14487, Dec. 27, 2016>

1. Any person who installs or alters emission facilities, or runs any business using such facilities without reporting installation referred to in Article 23 (1), or filing a false report;
2. Any person who engages in activities referred to in Article 31 (1) 2;
3. Any person who fails to take measures, including the installation of measuring devices, under the main sentence of Article 32 (1);
4. Any person who engages in any activity referred to in Article 32 (3) 1, 3 or 4;
- 4-2. Any person who fails to comply with an order to improve facilities, etc., issued under Article 38-2 (6);
5. Any person who violates an order, such as an order to take measures to impose restrictions on the use of fuels, issued under Article 41 (4);

6. Any person who fails to perform an order to take measures for improving facilities issued under Article 44 (7) (including cases to which Article 45 (5) applies mutatis mutandis);
- 6-2. Any person who fails to perform an order to replace parts or replace, refund or repurchase motor vehicles under Article 50 (7) and (8);
7. Any person who violates an order to correct defects issued under the main sentence of Article 51 (4) or (6), or 53 (4);
8. Any person who violates an obligation to correct defects under the main sentence of Article 53 (3);
9. Deleted; <by Act No. 11256, Feb. 1, 2012>
10. Any person who provides maintenance, checkup, or verification inspection services without being registered as a specialized maintenance business entity, in violation of Article 68 (1);
11. Any person who supplies or sells additives or catalysts, in violation of the main sentence of Article 74 (4).

**Article 90-2 Deleted.** <by Act No. 13034, Jan. 20, 2015>

#### **Article 91 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment for not more than one year or by a fine not exceeding ten million won: <Amended by Act No. 9311, Dec. 31, 2008; Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012; Act No. 11750, Apr. 5, 2013; Act No. 13034, Jan. 20, 2015; Act No. 13874, Jan. 27, 2016>

1. Any person who conducts a fishing operation without filing a report, in violation of Article 30;
2. Any person who violates an order to suspend operation issued under Article 32 (6);
- 2-2. Any person who performs agency business for managing measuring devices without being registered for such business or without registering alterations, in violation of Article 32-2 (1);
- 2-3. Any person who is registered for an agency business for managing measuring devices under Article 32-2 (1) by fraud or other improper means;
- 2-4. Any person who allows a third person to perform affairs of managing measuring devices using his/her name, or lend his/her registration certificate to a third person, in violation of Article 32-2 (4);
- 2-5. Any person who fails to meet the facilities management standards, in violation of Article 38-2 (3);
3. Any person who violates an order, such as an order to restrict use, issued under Article 43 (3);
- 3-2. Any person who falls under Article 44-2 (2) 1 and supplies or sells any paint, in violation of Article 44-2 (2);
- 3-3. Any person who falls under Article 44-2 (2) 2 and supplies or sells any paint, in violation of Article 44-2 (2);
- 3-4. Any person who violates an order to take such measures as suspension of supply and sale of paint which exceeds any of the volatile organic compound content levels, or an order to withdraw, etc., the same issued under Article 44-2 (3);
- 3-5. Any person who violates an order to suspend supply and sale of paints which exceed the volatile organic compound content levels issued under Article 44-2 (4);



4. Any person who manufactures motor vehicle without obtaining certification for alteration under Article 48 (2);
- 4-2. Any person who commits any offence prescribed in Article 48-2 (2) 1 or 2;
5. Any person who alters registered matters without registration for alteration under Article 68 (1).
6. Deleted; <by Act No. 11256, Feb. 1, 2012>
7. Any person who commits any offence prescribed in Article 68 (4) 1 or 2;
8. Any person who violates an order to suspend business operation issued under Article 69;
9. Any person who uses motor vehicle fuels, in violation of the main body of Article 74 (4);
10. Any person who manufactures or sells motor vehicle fuels, additives, or catalysts, in violation of the regulations prescribed in Article 74 (5);
11. Any person who fails to indicate on a product that the product has undergone an inspection or places a false indication, in violation of Article 74 (6);
12. Any person who commits any offence prescribed in Article 74-2 (2) 1 or 2;
- 12-2. Any person who fails to file a report on the quantity of greenhouse gas emissions from a motor vehicle or files a false report, in violation of Article 76-3 (1);
13. Any person who refuses, interferes with, or evades access or an inspection by a relevant public official under Article 82.

#### **Article 92 (Penalty Provisions)**

Any of the following persons shall be punished by a fine not exceeding three million won: <Amended by Act No. 11256, Feb. 1, 2012; Act No. 11750, Apr. 5, 2013; Act No. 11907, Jul. 16, 2013; Act No. 13034, Jan. 20, 2015>

1. Any person who violates an order issued under Article 8 (3) without just cause;
2. Any person who fails to perform an order to take measures issued under Article 32 (5);
3. Any person who installs and operates any facility without filing a report under Article 38-2 (1);
- 3-2. Any person who fails to undergo a regular inspection under Article 38-2 (4);
4. Any person who violates an order, such as an order to take measures to restrict the use of fuels, issued under Article 42;
- 4-2. Any person who fails to file a report under the former part of Article 43 (1);
5. Any person who fails to install facilities to control fugitive dust or fails to take necessary measures, in violation of the former part or the latter part of Article 43 (1): Provided, That excluded herefrom shall be persons who transport cement, coal, earth and sand, fodder, grain, and powdered steel scrap materials;
6. Any person who fails to carry out an order to install facilities to control fugitive dust, an order to take measures or order for improvement, in violation of Article 43 (2);
7. Any person who installs or operates facilities without filing a report under Article 44 (1), or 45 (1) or (2);

8. Any person who fails to take measures under Article 44 (3);
9. Any person who has falsely prepares a performance record of average emission quantity referred to in Article 50-2 (2) or a redemption plan referred to in Article 50-3 (3);
10. Any person who manufactures, supplies, or sells defective gas reduction devices or low-emission engines which fail to conform to the details of certification obtained under Article 60 (1);
11. Any person who fails to comply with an order to undergo a regular inspection of a two-wheeled motor vehicle under Article 62 (4);
12. Any person who fails to comply with an order to suspend operation of a vehicle after receiving such order under Article 70-2;
13. Any specialized maintenance business entity who performs maintenance, checkup or verification inspection services despite his/her registration having been revoked under Article 66 of the Motor Vehicle Management Act;
14. Any person who fails to submit data or submits false data, in violation of Article 76-5 (1).

#### **Article 93 (Penalty Provisions)**

Any person who interferes with the work of environmental engineers under Article 40 (4) or rejects a request of environmental engineers without just cause shall be punished by a fine not exceeding two million won.

#### **Article 94 (Administrative Fines)**

(1) Any person who supplies, sells, or uses fuels which exceed the relevant sulfur content levels in violation of Article 41 (3), shall be subject to an administrative fine not exceeding ten million won. <Newly Inserted by Act No. 11907, Jul. 16, 2013>

(2) Any of the following persons shall be subject to an administrative fine not exceeding five million won: <Amended by Act No. 13034, Jan. 20, 2015>

1. Any person who fails to measure pollutants, in violation of Article 39 (1), or any person who falsely records the results of measurement or fails to record and keep them;
2. Any person who fails to indicate on his/her motor vehicle, the quantity of greenhouse gas emissions, in violation of Article 76-4 (1), or falsely indicates the same.

(3) Any of the following persons shall be subject to an administrative fine not exceeding three million won: <Amended by Act No. 11907, Jul. 16, 2013; Act No. 13034, Jan. 20, 2015; Act No. 13528, Dec. 1, 2015>

1. Any person who fails to record and keep the status of operation of emission facilities, etc., in violation of Article 31 (2), or falsely records the same;
2. Any person who fails to appoint an environmental engineer, in violation of Article 40 (1);
3. Any person who fails to comply with an order to correct a defect under Article 52 (3);
4. Any person who fails to comply with an order for conversion or remodeling into low-emission motor vehicles; an order for installation or replacement of exhaust gas reduction devices; or replacement of exhaust gas-related parts; or an order for conversion into or replacement with low-emission engines (including dual fuel engines), issued under Article 58 (1).

(4) Any of the following persons shall be subject to an administrative fine not exceeding two million won:  
<Amended by Act No. 11907, Jul. 16, 2013; Act No. 13034, Jan. 20, 2015; Act No. 13528, Dec. 1, 2015; Act No. 13874, Jan. 27, 2016>

1. Any person who engages in any activity referred to in Article 31 (1) 3 or 4;
2. Deleted; <by Act No. 13034, Jan. 20, 2015>
3. Any person who engages in any activity referred to in Article 32 (3) 2;
4. Any person who fails to comply with management and operations standards, in violation of Article 32 (4);
- 4-2. Any person who fails to comply with the management standards, in violation of Article 32-2 (5);
5. Any person who fails to report changes under Article 38-2 (2);
6. Any person who transports powdered substances, such as cement, coal, soil and sand, without installing facilities to control fugitive dust or without taking necessary measures under Article 43 (1);
7. Any person who fails to report alteration of facilities emitting volatile organic compounds under Article 44 (2) or 45 (3);
8. Any person who fails to conduct an inspection or measurement or to record and keep the results of the inspection or measurement, in violation of Article 44 (8), or who records or keeps false results;
9. Any person who fails to report the results of correction of defects under Article 51 (5) (including the cases of application mutatis mutandis under Article 53 (5));
10. Any person who fails to report the current status of correction of defects and the current status of defective parts under Article 53 (1), or the current status of correction of defects under Article 53 (2);
11. A person who refuses, evades, or interferes with a checkup, in violation of Article 61 (2);
12. Any person who commits an act referred to in Article 68 (4) 3 or 4;
13. Any person who knowingly uses additives or catalysts not meeting the manufacturing standards, in violation of Article 74 (4) 1;
14. Any person who knowingly uses additives or catalysts manufactured inconsistently with the details that have been inspected.

(5) Any of the following persons shall be subject to an administrative fine not exceeding one million won:  
<Amended by Act No. 11256, Feb. 1, 2012; Act No. 11445, May 23, 2012; Act No. 13034, Jan. 20, 2015>

1. Any person who fails to appropriately manage, collect or dispose of refrigerants in accordance with the management method formulated under Article 9-3 (1), in violation of Article 9-3 (2);
- 1-2. Any person who fails to report alteration under Article 23 (2) or (3);
2. Any person who fails to comply with the matters to be complied with by environmental engineers under Article 40 (2);
3. Any person who fails to report changes under the latter part of Article 43 (1);
- 3-2. Any person who fails to submit a performance record of the average emission quantity pursuant to Article 50-2 (2);

- 3-3. Any person who fails to submit a redemption plan pursuant to Article 50-3 (3);
4. Deleted; <by Act No. 11256, Feb. 1, 2012>
5. A motor vehicle driver who violates the restrictions on the running of motor vehicle engines imposed under Article 59;
6. Any person who fails to have his/her motor vehicle undergo maintenance, a checkup, or verification inspection, in violation of Article 63 (4);
- 6-2. Any specialized maintenance business entity who fails to have his/her technical personnel undergo education, in violation of Article 68 (3);
7. Any person who fails to issue a report on maintenance, a checkup or verification inspection or to report the results thereof, in violation of Article 70 (5);
8. Any person who fails to have environmental engineers, etc., undergo education, in violation of Article 77;
9. Any person who fails to report as required under Article 82 (1), files a false report, or fails to submit data or submits false data.
- (6) A person who fails to undergo a regular inspection of a two-wheeled motor vehicle, in violation of Article 62 (2), shall be subject to an administrative fine not exceeding 500 thousand won. <Newly Inserted by Act No. 11907, Jul. 16, 2013>
- (7) Administrative fines prescribed in paragraphs (1) through (6) shall be imposed and collected by the Minister of Environment, Mayors/Do Governors or heads of Sis/Guns/Gus, as prescribed by Presidential Decree. <Amended by Act No. 11256, Feb. 1, 2012; Act No. 11750, Apr. 5, 2013; Act No. 11907, Jul. 16, 2013>

#### **Article 95 (Joint Penalty Provisions)**

If the representative of a corporation, or an agent, employee, any other servant of the corporation or an individual commits an offence under any of Articles 89, 90, 90-2, and 91 through 93 in connection with the business of the corporation or the individual, not only shall such offender be punished, but the corporation or the individual also shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offence. <Amended by Act No. 11445, May 23, 2012>

### ADDENDA

#### **Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 13 (11) of the Addenda shall enter into force on July 27, 2007, the amended provisions of Article 39 (1), on October 5, 2007, the amended provisions of Articles 13 through 15, 24 (3) and (4), 81 (2) and (3), and subparagraph 5 of Article 83, on the date six months after the date of its promulgation, the amended provisions of Articles 18 through 21, 44 and 45 on January 4, 2008, the amended provisions of Article 13 (25) of the Addenda on January 20, 2008, the amended provisions of Article 13

(19) of the Addenda on January 27, 2008, and the amended provisions of Article 76 (1) on the date the part concerning small diesel engines (referring only to diesel engines falling under the range from 130 to 294) in the proviso to Article 1 of the Addenda of the partial amendment to the Prevention of Marine Pollution Act (Act No. 7787) enters into force.

**Article 2 (Transitional Measures for Enforcement Date)**

The previous provisions of Articles 8-3, 22 (1), 28-2 and 28-3 corresponding to Articles 18, 39 (1), 44 and 45 shall apply before the amended provisions of Articles 18, 39 (1), 44 and 45 enter into force pursuant to the proviso to Article 1 of the Addenda.

**Article 3 (Term of Validity)**

The amended provisions of Article 7 shall take effect by October 4, 2007.

**Article 4 (Applicability to Exhaust Gas Reduction Devices, etc.)**

The amended provisions of Article 60 shall apply, commencing from the exhaust gas reduction device or low-emission engine first manufactured after a partial amendment to the Clean Air Conservation Act (Act No. 7779) enters into force.

**Article 5 (Applicability to Inspection of Automobile Fuels or Additives, etc.)**

The amended provisions of Article 74 shall apply, commencing from the motor vehicle fuel or additive first manufactured after a partial amendment to the Clean Air Conservation Act (Act No. 7779) enters into force.

**Article 6 (Transitional Measures for Designation of Inspection Agents)**

(1) A person who vicariously performs inspection services, such as confirming inspections and inspections of seriousness under Article 60-3 (2) of the previous Environment Conservation Act as of February 2, 1991 which is the enforcement date of the Clean Air Conservation Act (Act No. 4262) shall be deemed to have been designated as an inspection agent under Article 40 (1) of the Clean Air Conservation Act (Act No. 4262).

(2) A person who has been designated or replaced as an inspection agent to conduct confirming inspections of motor vehicles in operation under the previous provisions as of June 27, 1994 which is the enforcement date of the amendment to the Clean Air Conservation Act (Act No. 4652) shall be deemed to have been designated or replaced as an inspection agent to conduct the said services by the Mayor/Do Governor under the amended provisions of Article 71.

**Article 7 (Transitional Measures for Prevention Facilities Businesses)**

A person who has made a registration or registration of alteration of prevention facilities under Article 47 or 49 of the previous Environment Conservation Act as of February 2, 1991 which is the enforcement date of the Clean Air Conservation Act (Act No. 4262) or a person whose registration has been revoked shall be deemed a person who has made a registration or registration of alteration of prevention facilities, or whose registration is revoked under Article 44 of the Development of and Support for Environmental Technology Act.

**Article 8 (Transitional Measures for Training of Managers of Emission Facilities)**

The training of managers of emission facilities, which have been performed under Article 61-2 of the former Environment Conservation Act on February 2, 1991 which is the enforcement date of the Clean Air Conservation Act (Act No. 4262) shall be deemed training performed under Article 77.

**Article 9 (Transitional Measures for Reports on Facilities Emitting Volatile Organic Compounds)**

Emission facilities falling under facilities emitting volatile organic compounds reported to the Mayor/Do Governor under the previous provisions as of October 16, 1999 which is the enforcement date of the amendments to the Clean Air Conservation Act (Act No. 5961) shall be deemed emission facilities reported under this Act.

**Article 10 (Transitional Measures for Inspection of Automobile Fuels or Additives)**

Automobile fuels or additives which are deemed by the Minister of Environment to have been manufactured in conformity with the manufacturing standards under the previous provisions as of December 30, 2006 which is the enforcement date of a partial amendment to the Clean Air Conservation Act (Act No. 7779) shall be deemed to have been inspected under the amended provisions of Article 74.

**Article 11 (General Transitional Measures for Dispositions, etc.)**

Acts done by or to administrative agencies under the previous provisions at the time this Act enters into force shall be considered acts done by or to administrative agencies under the corresponding provisions of this Act.

**Article 12 (Transitional Measures for Penalty Provisions or Administrative Fines)**

For the purposes of provisions pertaining to penalties or administrative fines to acts committed before this Act enters into force, the former provisions shall prevail.

**Article 13 Omitted.**

**Article 14 (Relations with Other Acts and Subordinate Statutes)**

Where other Acts and subordinate statutes have cited the previous Clean Air Conservation Act or the provisions thereof at the time when this Act enters into force, if provisions corresponding thereto exist in this Act, they shall be deemed to have quoted this Act or provisions corresponding thereto in lieu of the previous provisions.

ADDENDA <Act No. 8466, May 17, 2007>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 8852, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 8956, Mar. 21, 2008>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Applicability to Keeping License Plate in Custody) The amended provisions of Article 63 (6) shall apply, commencing from the first motor vehicle to receive a close inspection after this Act enters into force.

ADDENDA <Act No. 8957, Mar. 21, 2008>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

ADDENDA <Act No. 8976, Mar. 21, 2008>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 10 Omitted.**

ADDENDA <Act No. 9311, Dec. 31, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 48-2, 48-3, 82 (1) 6-2, subparagraph 3-2 of Article 85 and subparagraph 4-2 of Article 91 shall enter into force on the date of its promulgation and the amended provisions of Article 46 shall enter into force on January 1, 2009.

**Article 2 (Applicability to Indication of Meeting Standards for Inspection and Manufacturing of Catalysts)**

The amended provisions of Article 74 shall apply beginning from the first catalyst manufactured or imported after this Act enters into force.

**Article 3 (Transitional Measures concerning Certification of Construction Machinery Engines)**

Where a motor vehicle manufacturer has obtained certification pursuant to the previous provisions at the time this Act enters into force as construction machinery an engine manufacturer of which should obtain certification pursuant to the amended provisions of Article 46, it shall be deemed that the relevant engine manufacturer has obtained certification on the relevant engine.

**Article 4 (Transitional Measures concerning Testing Agency for Certification for Automobiles Manufactured)**

An institution designated as an institution for test for certification of manufactured motor vehicles at the time this Act enters into force shall be deemed to be a testing agency for certification designated

pursuant to the amended provisions of Article 48-2.

ADDENDUM <Act No. 9695, May 21, 2009>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 58 (2) 2 and 59 (2) and (3) shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 9770, Jun. 9, 2009>

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2010. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9931, Jan. 13, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 10615, Apr. 28, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 9 Omitted.**

ADDENDA <Act No. 10893, Jul. 21, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 11256, Feb. 1, 2012>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 24 (5), 27 (3), 31 (1) 1 and 2, 36, 37 (2) through (6), 40 (1), 50-2, 50-3 and 56 (3), subparagraph 7-2 of Article 89, subparagraph 8-2 of Article 92, Article 94 (1), (3) 3-2, 3-3 and (4) shall enter into force on the date of its promulgation.

**Article 2 (Transitional Measures concerning Entities of Business Specializing in Exhaust Gas Maintenance)**

(1) An entity of business specializing in exhaust gas maintenance designated under the former Article 68 as at the time this Act enters into force shall be equipped with appropriate facilities, equipment and technical personnel under the amended provisions of Article 68 (1) and file for registration therefor with



the head of the relevant Si/Gun/Gu by no later than six months after this Act enters into force.

(2) No entity of business specializing in exhaust gas maintenance who fails to file for registration until the deadline prescribed in paragraph (1) shall perform the maintenance, checkup or verification inspection services under the amended provisions of Article 68 thereafter.

**Article 3 (Transitional Measures concerning Confirming Inspection Agents)**

(1) A confirming inspection agent registered under the previous Article 71 as at the time this Act enters into force shall be equipped with appropriate facilities, equipment and technical personnel under the amended provisions of Article 68 (1) and file for registration therefor with the head of the relevant Si/Gun/Gu by no later than six months after this Act enters into force.

(2) No confirming inspection agent who fails to file for registration until the deadline prescribed in paragraph (1) shall perform the maintenance, checkup and verification inspection services under the amended provisions of Article 68 thereafter.

**Article 4 (Transitional Measures concerning Automobile Environmental Association)**

The Automobile Environmental Association established under the previous Article 78 as at the time this Act enters into force shall be deemed the Korea Automobile Environmental Association established under the amended provisions of Article 78.

**Article 5 (Transitional Measures concerning Penalty Provisions or Administrative Fines)**

Previous penalty provisions or provisions on administrative fines shall apply, if any penalty provision or administrative fine is to be applied to an offence committed before this Act enters into force.

**Article 6 Omitted.**

ADDENDA <Act No. 11445, May 23, 2012>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Article 2 (General Transitional Measures concerning Dispositions, etc.)**

Any act done by or in relation to an administrative agency under the previous provisions as at the time this Act enters into force shall be deemed an act done by or in relation to an administrative agency corresponding thereto under this Act.

**Article 3 Omitted.**

ADDENDA <Act No. 11690, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 11750, Apr. 5, 2013>

This Act shall enter into force ten months after the date of its promulgation: Provided, That the amended provisions of Article 58 shall enter into force on May 24, 2013, and the amended provisions of Articles 76-7 and 76-8 shall enter into force on January 1, 2015.

ADDENDA <Act No. 11907, Jul. 16, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force February 6, 2014: Provided, That the amended provisions of Articles 62-3, 62-4 (limited to cases in which a designated maintenance provider for regular inspections of two-wheeled motor vehicles falls) and subparagraph 6-2 of Article 85 shall enter into force three years after the date of its promulgation.

**Article 2 (Transitional Measures concerning Administrative Fines)**

Notwithstanding the amended provisions of Article 94, imposition of an administrative fine on any act committed before this Act enters into force shall be governed by the previous provisions.

**Article 3 Omitted.**

ADDENDA <Act No. 11998, Aug. 6, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 and 3 Omitted.**

ADDENDA <Act No. 12248, Jan. 14, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 25 Omitted.**

ADDENDA <Act No. 13034, Jan. 20, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of subparagraph 1 of Article 69-2 shall enter into force on the date of its promulgation, and the amended provisions of Articles 44 (1) and (9) and 45 (1) and (2) two years after the date of its promulgation.

**Article 2 (Applicability to Orders to Take Measures to Withdraw, etc. Paint which Exceeds Volatile Organic Compound Content Levels)**

The part concerning measures to the withdraw, etc. paint which exceeds volatile organic compound content levels in the amended provisions of Article 44-2 (3) shall also apply to the paints supplied or sold before this Act enters into force.

### **Article 3 (Transitional Measures concerning Operation of Emission Facilities and Prevention Facilities)**

A business entity for whom an exception to prohibited acts related to the operation of emission facilities or prevention facilities was acknowledged by the Minister of Environment under the previous provisions of Article 31 (1) before this Act enters into force shall be deemed to have been acknowledged by a Mayor/Do Governor under the amended provisions of Article 31 (1).

### **Article 4 (Transitional Measures concerning Report on Facilities for Fugitive Emission)**

A person who operates an emission facility of a type of business prescribed by Presidential Decree under the previous provisions of Article 38-2 as at the time this Act enters into force shall file a report thereon under the amended provisions of Article 38-2 (1) within six months after this Act enters into force.

### **Article 5 (Transitional Measures concerning Incompetent Persons, etc.)**

Adult wards or limited wards under the amended provisions of Article 69-2 shall be deemed to include persons in whose case the effect of declaration of incompetency or quasi-incompetency remains to be effective under Article 2 of the Addenda to the Civil Act as amended by Act No. 10429.

### **Article 6 (Transitional Measures concerning Penalty Provisions or Administrative Fines)**

Any acts conducted before this Act enters into force shall be governed by the previous provisions in the application of penalty provisions or provisions on administrative fines.

### **Article 7 Omitted.**

ADDENDA <Act No. 13039, Jan. 20, 2015>

### **Article 1 (Enforcement Date)**

This Act shall enter into force on Jul. 1, 2015.

### **Articles 2 and 3 Omitted.**

ADDENDUM <Act No. 13528, Dec. 1, 2015>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 13874, Jan. 27, 2016>

### **Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 9-4, 46 (4), 56 (1), 58 (14) and (15), and subparagraphs 6-2 and 7-3 of Article 89 shall enter into force six months after the date of its promulgation, and the amended provisions of Articles 3 (3), 58 (3) and (5), the provisions other than each subparagraph of Article 82 (1), and Article 82 (1) 1-2 shall enter into force on the date of its promulgation.

### **Article 2 (Transitional Measures concerning Registration of Agency Business for Managing Measuring Devices)**

Notwithstanding the amended provisions of Article 32-2 (1), a person who runs an agency business for managing measuring devices as at the time this Act enters into force, may run the business until six months from the enforcement date of this Act without being registered under the same amended provisions.

**Article 3 (Transitional Measures concerning Incompetent Persons, etc.)**

Persons under adult guardianship and persons under limited guardianship referred to in the amended provisions of Article 32-2 (2) 1 shall be deemed to include persons for whom the declaration of incompetency or quasi-incompetency remains effective under Article 2 of Addenda to the Civil Act (Act No. 10429).

ADDENDA <Act No. 14476, Dec. 27, 2016>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 14487, Dec. 27, 2016>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Article 2 (Transitional Measures concerning Penalty Provisions)**

The previous provisions shall apply to penalty provisions for acts committed before this Act enters into force.

ADDENDA <Act No. 14532, Jan. 17, 2017>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided That, among the Acts amended pursuant to Article 6 of the Addenda, the amended parts which were promulgated before this Act enters into force but the enforcement dates of which have not arrived, shall enter into force on the enforcement date of the relevant Act, respectively.

**Articles 2 through 7 Omitted.**