

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. 8956, Mar.21, 2008
Act No. 8957, Mar.21, 2008
Act No. 8976, Mar.21, 2008
Act No. 9311, Dec.31, 2008
Act No. 9695, May21, 2009
Act No. 9770, Jun. 9, 2009
Act No. 9931, Jan. 13, 2010
Act No.10615, Apr.28, 2011

CHAPTER I | GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prevent air pollution which causes harm to people and the environment, and manage and preserve the atmospheric environment in a proper and sustainable manner, thereby to enable all people to live in the healthy and comfortable environment.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 8260, Jan. 19, 2007; Act No. 9311, Dec. 31, 2008>

1. The term “air pollutants” means gas or granular matter causing air pollution, which is determined by Ordinance of the Ministry of Environment;
2. The term “climate/ecosystem-changing substances” means gaseous matter which may cause any change in the ecosystem by global warming, etc. including greenhouse gases and other matters determined 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 reemitting infrared heat radiation, including carbon dioxide, methane, nitrous oxide, 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 when matter is crushed, sorted, piled, reloaded, mechanically treated, burned, synthesized or decomposed;
 6. The term “dust” means granular matter floating in the air or falling down out of the air;
 7. The term “exhaust fumes” means fine granular matter mainly composed of free carbon produced at the time of burning;
 8. The term “soot” means granular matter which is condensed free carbon produced at the time of burning, and the granules of which are one micron or more in diameter;
 9. The term “specified hazardous air pollutants” means air pollutants which are feared to directly or indirectly inflict any harm or injury on the health and property of humans or on the birth and breeding of animals and plants, as determined by Ordinance of the Ministry of Environment;
 10. The term “volatile organic compound” means the petrochemicals, organic solvents, and other materials from among hydrocarbons, as published by the Minister of Environment in consultation with the heads of central administrative organs;
 11. The term “air pollutant-emitting facilities” means facilities, machines, apparatus and other things which emit air pollutants into the air, as determined by Ordinance of the Ministry of Environment;
 12. The term “air pollution preventive facilities” means facilities which eliminate or reduce air pollutants emitted from air pollutant-emitting facilities, as determined by Ordinance of the Ministry of Environment;
 13. The term “automobiles” means those falling under any of the following items:
 - (a) Automobiles provided for in subparagraph 1 of Article 2 of the Automobile Management Act, as determined by Ordinance of the Ministry of Environment;
 - (b) Construction machinery provided for in subparagraph 1 of Article 2 of the Construction Machinery Management Act, as determined by Ordinance of the Ministry of Environment;
 14. The term “ships” means those provided for in subparagraph 8 of Article 2 of the Prevention of Marine Pollution Act;
 15. The term “additives” means chemical substances which are added to automobile fuel in order to improve the performance of automobiles or reduce gas emissions, with the exception of substances consisting of only carbon and hydrogen, and satisfy the

requirements in all of the following items:

- (a) Substance required to be added to automobile fuel in less than one percent of the volume of the automobile fuel: Provided, That the restriction on the addition ratio shall not apply to the substances added by petroleum refining business operators and petroleum import and export business operators provided for 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 automobile fuel or enhancing the quality thereof;
 - (b) Substances which are not categorized as pseudopetroleum products provided for in subparagraph 10 of Article 2 of the Petroleum and Petroleum Substitute Fuel Business Act;
- 15-2. The term “catalyst” means chemicals prescribed by Ordinance of the Ministry of Environment, which are used for exhaust gas reduction device to enhance the efficiency of reducing exhaust gas;
16. The term “low-pollution automobile” means a low-pollution motor vehicle provided for in subparagraph 6 of Article 2 of the Special Act on the Improvement of Air and Environment for Seoul Metropolitan Area;
17. The term “exhaust gas reduction device” means a device installed to automobiles in order to reduce air pollutants emitted from the automobiles, which meets the efficiency of reduction set by Ordinance of the Ministry of Environment;
18. The term “low-pollution engine” means an engine (including parts used to remodel an engine) designed to reduce air pollutants emitted from automobiles, which meet the permissible emission levels set by Ordinance of the Ministry of Environment.

Article 3 (Regular Measurement)

- (1) The Minister of Environment shall install measuring networks and constantly measure the level of air pollution, etc. under conditions determined 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 Seoul Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as the “Mayor/Do Governor”) shall install measuring networks and constantly measure the level of air pollution under conditions determined by Ordinance of the Ministry of Environment in order to ascertain the actual conditions of air pollution within the regions under his/her jurisdiction, and report the results thereof to the Minister of Environment.

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 announce it publicly under conditions determined by Ordinance of the Ministry of Environment, and enable whomever to inspect the drawings thereof. The same shall apply to the alteration thereof.
- (2) Paragraph (1) shall apply mutatis mutandis to cases 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 the accomplishment of any measuring network installation plan determined and published by the Mayor/Do Governor 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 land, buildings or things fixed in the land necessary for the installation of measuring networks according to any measuring network installation plan announced under Article 4.
- (2) The procedures for expropriation or use under paragraph (1), compensation for loss, etc. shall be governed by the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor.

Article 6 (Relation with Other Acts)

- (1) When the Minister of Environment or the Mayor/Do Governor has determined and announced a measuring network installation plan under Article 4, permission for occupation and use of roads prescribed in Article 38 of the Road Act shall be considered to have been granted. <Amended by Act No. 8976, Mar. 21, 2008>
- (2) The Minister of Environment or the Mayor/Do Governor shall, if a measuring network installation plan under Article 4 contains matters concerning permission for occupation and use of roads referred to in paragraph (1), consult with the head of the relevant road management agency before he/she makes a determination and announcement thereof.

Article 7 Deleted. <by Act No. 9311, Dec. 31, 2008>

Article 8 (Air Pollution Alerts)

- (1) The Mayor/Do Governor may, when it is deemed that the degree of air pollution which

exceeds the environmental standards for air as prescribed in Article 10 of the Framework Act on Environmental Policy (hereinafter referred to as “environmental standards”) is feared to seriously harm the health and property of the residents or to birth and breeding of animals and plants, issue an air pollution alert to the relevant area. In addition, the Mayor/Do Governor shall cancel it as soon as the grounds on which the air pollution alert is issued cease to exist.

- (2) The Mayor/Do Governor may, when it is deemed necessary to urgently reduce air pollution in an area in which an air pollution alert is issued, restrict the operation of automobiles, order for the curtailment of working hours in places of business, or take other measures in such area, within a fixed period of time.
- (3) A person who is subject to an order for the restriction on the operation of automobiles, the curtailment of working hours in places of business, etc. under paragraph (2) shall comply therewith, unless there is any justifiable reason otherwise.
- (4) Matters necessary for areas, pollutants and criteria for issuing air pollution alerts, steps for alerts, measures to be taken in each step, etc. shall be determined by Presidential Decree.

Article 9 (Suppression of Emissions of Climate/Ecosystem-Changing Substances)

The Government shall participate positively in international efforts, such as the exchange of environmental information and technologies with other nations, and devise policies for research and surveys, recovery and recycling, development of substitutes, etc. for the reduction of emissions of climate/ecosystem-changing substances.

Article 10 (Prevention of Hindrance to Air Circulation)

The heads of relevant central administrative organs, the heads of local governments, and business operators 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 (Establishment, etc. of Comprehensive Plans for Improvement of Atmospheric Environment)

- (1) The Minister of Environment shall establish and implement a comprehensive plan for the improvement of 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) Comprehensive plans shall include matters in each of the following subparagraphs:
 1. Current status of emission of air pollutants and prospects therefor;
 2. Current status of change in the density of greenhouse gases in the air and prospects therefor;
 3. Setting of goals for the reduction of air pollutants and measures to be taken in each field and step to attain such goals;
 4. Setting of goals for the reduction of emission of greenhouse gases in the field of environment and measures to be taken in each field and step to attain such goals;
 5. Matters concerning the assessment of the impacts of climatic change and measures to adapt to the climatic change;
 6. Establishment of an integrated atmospheric environment management system linked to air pollutants and greenhouse gases;
 7. Matters concerning international harmony and cooperation in connection with climatic change;
 8. Other matters necessary for the improvement of the atmospheric environment.
- (3) The Minister of Environment shall, when establishing comprehensive plans, consult in advance with the heads of relevant central administrative organs with regard thereto.
- (4) The Minister of Environment may, when five years have elapsed since a comprehensive plan was established or it is deemed necessary to amend a comprehensive plan, alter the comprehensive plan after examining the propriety of its amendment. In such cases, the Minister of Environment shall consult in advance with the heads of relevant central administrative organs with regard thereto.

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

Article 13 (Establishment, etc. of Comprehensive Measure for Prevention of Damage Caused by Yellow Dust)

- (1) The Minister of Environment shall consult with the heads of relevant central administrative organs and consider the opinions of the Mayors/Do Governors every five years for the prevention of damage caused by yellow dust in order to work out comprehensive measures for the prevention of damage caused by yellow dust (hereinafter referred to as “comprehensive measures”), undergoing deliberation by the Yellow Dust Prevention Committee under Article 14. The same shall apply to cases of alteration of

important matters contained in the comprehensive measures, as prescribed by Presidential Decree.

- (2) The comprehensive measures shall include matters in each of the following subparagraphs:
 1. Current status of creation of yellow dust and prospect therefor;
 2. Records of promotion of comprehensive measures and evaluation thereof;
 3. Domestic measures for the prevention of damage caused by yellow dust;
 4. International cooperation for the reduction of creation of yellow dust;
 5. Other necessary matters for the prevention of damage caused by yellow dust.
- (3) The Minister of Environment shall, when he/she has established comprehensive measures, notify the heads of relevant central administrative organs and the Mayors/Do Governors thereof.
- (4) The heads of relevant central administrative organs and the Mayors/Do Governors shall establish and implement programs within the scope of their authority each year under conditions prescribed by Presidential Decree. In such cases, the heads of relevant central administrative organs and the Mayors/Do Governors shall submit the programs and the results thereof to the Minister of Environment.

Article 14 (Yellow Dust Prevention Committee)

- (1) The Yellow Dust Prevention Committee (hereinafter referred to as the "Committee") shall be established within the Minister of Environment to deliberate on and arbitrate matters concerning the prevention of damage caused by yellow dust in each of the following subparagraphs:
 1. Matters concerning the establishment and alteration of comprehensive measures;
 2. Matters concerning policies by field, related to the prevention of damage caused by yellow dust;
 3. Matters concerning the current status of promotion of comprehensive measures and measures for cooperation between the public and private sectors;
 4. Other matters as deemed by the chairperson necessary for the prevention of damage caused by yellow dust.
- (2) The Committee shall be comprised of not more than 25 members, including one chairperson.
- (3) The Minister of Environment shall be the chairperson of the Committee, and the persons in each of the following subparagraphs, as commissioned or appointed by the Minister of Environment, shall be members of the Committee:

1. Public officials of central administrative organs determined by Presidential Decree;
2. Experts with ample knowledge and experience in fields determined by Presidential Decree.
- (4) A working committee shall be established within the Committee for the efficient operation of the Committee and support of smooth deliberation on matters.
- (5) Necessary matters concerning the composition, operation, etc. of the Committee and working committee shall be determined by Presidential Decree.

Article 15 (International Cooperation for Prevention of Damage Caused by Yellow Dust)

The Government shall make endeavors to cooperate with relevant nations for the prevention of damage caused by yellow dust.

CHAPTER II REGULATION OF EMISSIONS OF AIR POLLUTANTS IN PLACES OF BUSINESS, ETC.

Article 16 (Permissible Emission Levels)

- (1) The permissible emission levels of air pollutants (hereinafter referred to as “pollutants”) emitted from air pollutant emission facilities (hereinafter referred to as “emission facilities”) shall be determined by Ordinance of the Ministry of Environment.
- (2) The Minister of Environment shall, when drafting an Ordinance of the Ministry of Environment as referred to in paragraph (1), consult with the heads of relevant central administrative organs.
- (3) The Seoul Metropolitan City, Metropolitan City, Do, or Special Self-Governing Province (hereinafter referred to as the “City/Do”) may, when it is deemed difficult to maintain regional environmental standards under Article 10 (3) of the Framework Act on Environmental Policy, or when it is deemed necessary for the improvement of air quality in an air quality-regulated area under Article 18, establish permissible emission levels (including the addition of standard items and the time frame for applying the standards) more intensified than those under paragraph (1) by Municipal Ordinance of the City/Do: Provided, That this shall be limited to cases where the authority of the Minister of Environment as prescribed in Articles 23, 30, 33 and 35 through 37 is delegated to the Mayors/Do Governors under Article 87 (1).
- (4) The Mayor/Do Governor shall, when the permissible emission levels as referred to in

paragraph (3) have been established or altered, report to the Minister of Environment thereon without delay and take necessary measures to make it known to interested persons.

- (5) The Minister of Environment may, when he/she deems necessary for the prevention of air pollution in a special measures area as prescribed in Article 22 of the Framework Act on Environmental Policy (hereinafter referred to as a “special measures area”), establish more strict permissible emission levels than those referred to in paragraph (1) with respect to emission facilities installed in such area and establish special permissible emission levels for emission facilities newly installed in such area.
- (6) If any area exists which is not subject to the permissible emission levels prescribed by Municipal Ordinance under paragraph (3) within the City/Do which is subject to such permissible emission levels, the emission facilities installed or to be installed in such area shall also be subject to the permissible emission levels prescribed by Municipal Ordinance.

Article 17 (Survey of Emission Source and Emission Quantity of Air Pollutants)

- (1) The Minister of Environment shall conduct a survey of the emission sources and emission quantities of air pollutants nationwide for the rational establishment and implementation of comprehensive plans, mid-term comprehensive plans for the preservation of the environment under Article 14-2 of the Framework Act on Environmental Policy, and the basic plan for the management of the atmospheric environment of the Seoul Metropolitan area under Article 8 of the Special Act on the Improvement of Air and Environment for Seoul Metropolitan Area.
- (2) The Mayor/Do Governor and the head of a local environmental government office shall conduct a survey of emission sources and emission quantities of air pollutants from emission facilities, etc. in the areas under their jurisdictions under conditions determined by Ordinance of the Ministry of Environment.
- (3) The Minister of Environment or the Mayor/Do Governor may request the heads of relevant organs to submit materials or provide assistance needed to conduct surveys of emission sources and emission qualities of air pollutants under paragraph (1) or (2). In such cases, the heads of relevant organs shall comply with such request unless there are reasons that make them unable to do so.
- (4) Necessary matters concerning methods and procedures for surveys of emission sources and emission qualities of air pollutants under paragraphs (1) and (2), calculation methods of emission quantities, etc. shall be determined by Ordinance of the Ministry of Environment.

Article 18 (Designation of Air Quality-Regulated Areas)

- (1) The Minister of Environment may designate and announce areas deemed to require improvement of air quality from among areas which exceed or are feared to exceed the environmental standards as an air quality-regulated area.
- (2) The Minister of Environment may, when the influx of air pollutants from neighboring areas is deemed to have exerted a considerable influence on the excess of the environmental standards in light of topography, weather conditions, etc. at the time of the designation and announcement of an air quality-regulated area under paragraph (1), include such neighboring areas in the air quality-regulated areas, in consideration of the opinions of the Mayors/Do Governors having jurisdiction over such areas in which such air pollutants are generated.
- (3) Matters concerning detailed criteria, procedures, etc. necessary for the designation of air quality-regulated areas under paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

Article 19 (Establishment, Implementation, and Evaluation of Action Plans)

- (1) The Mayor/Do Governor who has jurisdiction over an air quality-regulated area shall draw up a plan (hereinafter referred to as an "action plan") to attain and maintain the environment standards applicable to the air quality-regulated area, according to the contents and procedures determined by Ordinance of the Ministry of Environment within two years from the date of its designation and announcement as an air quality-regulated area, and implement such plan after obtaining the approval of the Minister of Environment. The same shall apply to the alteration thereof.
- (2) When the Minister of Environment intends to approve an action plan under paragraph (1), he/she shall consult in advance with the heads of relevant central administrative organs and publish it when he/she approves it.
- (3) The Mayor/Do Governor shall prepare a statement of the result of promotion of an action plan under conditions prescribed by Ordinance of the Ministry of Environment and submit it to the Minister of Environment.
- (4) The Minister of Environment shall evaluate the results of promotion submitted under paragraph (3) regularly under conditions prescribed by Ordinance of the Ministry of Environment and have the Mayors/Do Governors reflect the results of promotion to the establishment and implementation of an action plan.
- (5) The Minister of Environment may entrust surveys, analyses, etc. necessary for efficient evaluation under paragraph (4) to professional institutions.

Article 20 (Financial Support to Attain Goals of Action Plans within Target Period of Time, etc.)

- (1) The heads of relevant central administrative organs may provide financial and technical support necessary for the attainment of an action plan within a target period of time.
- (2) The Minister of Environment may, when the Mayor/Do Governor having jurisdiction over an air quality-regulated area fails to establish or implement an action plan, take measures, such as the reduction of environment-related national subsidies and suspension of the payment of national subsidies provided by the State to the relevant local government, or request the head of a relevant central administrative organ to take such measures. In such cases, the head of the relevant central administrative organ shall comply with such request unless there are special reasons that make him/her unable to do so.

Article 21 (Cancellation of Designation of Air Quality-Regulated Areas)

- (1) The Mayor/Do Governor having jurisdiction over an air quality-regulated area may, when the goals and conditions for improvement determined by Ordinance of the Ministry of Environment have been attained since the area was designated and announced as an air quality-regulated area, request the Minister of Environment to cancel its designation as an air quality-regulated area, attaching the results thereof and a plan to maintain the results (hereinafter referred to as an “air quality management plan”).
- (2) The Minister of Environment may, when requested by the Mayor/Do Governor to cancel the designation of an air quality-regulated area under paragraph (1), cancel the designation as an air quality-regulated area, examining as to whether the relevant area has attained the environmental standards, and its air quality management plan. In such cases, the Minister of Environment shall publish the details thereof.
- (3) The contents to be contained in the air quality management plan and necessary matters concerning detailed criteria, procedures, etc. necessary for the cancellation of designation of an air quality-regulated area shall be determined 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 to threaten 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 on the total quantity as referred to in paragraph (1) and other necessary matters shall be determined by Ordinance of the Ministry of Environment.

Article 23 (Permission and Report on Installation of Emission Facilities)

- (1) A person who desires to install emission facilities shall obtain permission of the Minister of Environment or make a report to the Minister of Environment under conditions prescribed by Presidential Decree.
- (2) In cases where a person who has obtained permission under paragraph (1) desires to alter important matters determined by Presidential Decree from among permitted matters, he/she shall obtain permission for such alteration, and in cases where he/she desires to alter other matters, he/she shall make a report for alteration.
- (3) In cases where a person who has made a report under paragraph (1) desires to alter reported matters, he/she shall make a report for alteration under conditions prescribed by Ordinance of the Ministry of Environment.
- (4) In cases where a person who intends to obtain permission for installation or permission for alteration, or make a report for installation or a report for alteration under the provisions of 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-used preventive facilities as referred to in Article 29, he/she shall present documents prescribed by Ordinance of the Ministry of Environment.
- (5) The criteria for granting the permission for installation or permission for alteration as referred to in paragraphs (1) and (2) shall be as mentioned in each of the following subparagraphs:
 1. Pollutants emitted from emission facilities must be treated below the permissible emission levels provided for in Article 16 or 29 (3);
 2. The provisions pertaining to restrictions on the installation of emission facilities under other Acts must not have been violated.
- (6) The Minister of Environment may, when he/she deems that specified air pollutants emitted from emission facilities or air pollutants emitted from emission facilities located in special measures areas make it difficult to maintain the environmental standards or are feared to seriously harm the health and property of the residents and the birth and breeding of animals and plants, restrict the installation of emission facilities which emit

specified air pollutants or the installation of emission facilities in special measures areas under conditions prescribed by Presidential Decree.

Article 24 (Permission, etc. Deemed Granted under Other Acts and Subordinate Statutes)

- (1) In cases where a person who intends to install emission facilities has obtained permission for the installation of the emission facilities or permission for alteration, or has made a report for installation or report for alteration under Article 23 (1) through (3), he/she shall be deemed to have obtained permission for installation or permission for alteration, or has made a report for installation or report for alteration in each of the following subparagraphs in relation to such emission facilities: <Amended by Act No. 8466, May 17, 2007; Act No. 9770, Jun. 9, 2009>
 1. Permission for the installation of emission facilities or permission for alteration, or report for the installation of emission facilities or report for alteration under Article 33 (1) through (3) of the Water Quality and Ecosystem Conservation Act;
 2. Permission for the installation of emission facilities, or report for the installation of emission facilities or report for alteration under Article 8 (1) or (2) of the Noise and Vibration Control Act.
- (2) The Minister of Environment shall, when he/she intends to grant permission for the installation of emission facilities which contain a matter falling under any subparagraph of paragraph (1) or permission for alteration thereof, consult with the head of the relevant administrative organ having authority over permission or reports falling under any subparagraph of the same paragraph.
- (3) Where a person who intends to conduct business falling under the specified construction works scattering dust under Article 22 (1) of the Noise and Vibration Control Act has made a report on dust-scattering business under Article 43 (1) of this Act or a report for alteration thereof, such person shall be deemed to have made a report on a specified construction work or report for alteration thereof under Article 22 (1) or (2) of the Noise and Vibration Control Act. <Amended by Act No. 9770, Jun. 9, 2009>
- (4) The Mayor/Do Governor shall, when receiving a report on dust-scattering business, including matters falling under paragraph (3), or report for alteration thereof, notify the head of Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) having competence over the report on specified construction works or report on alteration thereof under Article 22 (1) or (2) of the Noise and Vibration Control Act, of the details thereof. <Amended by Act No. 9770, Jun. 9, 2009>

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) The standards for classifying places of business as referred to in paragraph (1) shall be set by Presidential Decree.

Article 26 (Installation of Preventive Facilities, etc.)

- (1) In cases where a person who has obtained permission for installation or permission for alteration, or has made a report for installation or report for alteration under Article 23 (1) through (3) (hereinafter referred to as “business operator”) installs or alters the relevant emission facilities, he/she shall install air pollution preventive facilities (hereinafter referred to as “preventive facilities”) to emit pollutants from such emission facilities below the permissible emission levels as referred to in Article 16: Provided, That the same may not apply to cases where pollutants meet the levels determined by Presidential Decree.
- (2) Any person who installs and operates emission facilities without installing preventive facilities under the proviso to paragraph (1) shall, when he/she falls under any of the following subparagraphs, install preventive facilities:
 1. Cases where the emission facilities are feared to exceed the permissible emission levels due to changes in their processes or changes in raw materials, fuel, etc.;
 2. Other cases determined by Ordinance of the Ministry of Environment in consideration of the possibility of observing the permissible emission levels.

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

- (1) In cases where a business operator transfers an emission facility or preventive facility or is dead, or a corporation which is a business operator is merged with another company, the transferee or successor thereof, or the corporation which survives the merger or corporation which is newly established by the merger shall succeed the rights and duties of the business operator, which result from permission for installation, permission for alteration, report for installation, or report for alteration.
- (2) In cases where a person leases emission facilities or preventive facilities, he/she shall be considered as a business operator in the application of Articles 31 through 35, 36 (excluding cases of cancelling permission), 39, 40 and 82 (1) 1.

Article 28 (Design and Construction of Preventive Facilities)

The installation or alteration of preventive facilities shall be designed and executed by environmental construction experts under Article 15 of the Support for Environmental Technology and Industry Act: Provided, That the same shall not apply to cases where preventive facilities determined by Ordinance of the Ministry of Environment are installed and where a business operator himself/herself designs and constructs preventive facilities under conditions 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-Used Preventive Facilities)

- (1) Business operators in industrial complexes or other areas where lots of business places are densely located may install jointly-used preventive facilities to jointly treat pollutants emitted from emission facilities. In such cases, each business operator shall be considered to have installed preventive facilities for pollutants in his/her place of business.
- (2) A business operator shall, when installing and operating jointly-used preventive facilities, establish an organization to operate such facilities and assign a representative to the organization.
- (3) The permissible emission levels for jointly-used preventive facilities may be determined differently from those prescribed in Article 16, and such permissible emission levels and matters necessary for the installation and operation of jointly-used preventive facilities shall be determined by Ordinance of the Ministry of Environment.

Article 30 (Report on Commencement of Operation of Emission Facilities, etc.)

- (1) When a business operator who has completed the installation of emission facilities or preventive facilities or alteration of emission facilities (applicable only to alterations the scale of which is not less than the scale determined by Presidential Decree in cases of alterations after making a report for alteration) desires to operate the emission facilities or preventive facilities, he/she shall make a report in advance on the commencement of operation to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment.
- (2) The provisions of Articles 33 through 35 shall not apply to facilities determined by Presidential Decree, such as nitrous oxide reduction facilities in the power plant from among the emission facilities or preventive facilities reported under paragraph (1) during the period of time determined by Ordinance of the Ministry of Environment.

Article 31 (Operation of Emission Facilities and Preventive Facilities)

- (1) No business operator (including the representative of jointly-used preventive facilities under Article 29 (2)) shall engage in any conduct in any of the following subparagraphs when operating emission facilities and preventive facilities:
1. Operating emission facilities without operating preventive facilities or emitting pollutants discharged from emission facilities, mixing with the air to lower the degree of pollution;
 2. Installing air regulators, branch emission pipes, etc. to emit pollutants without passing through preventive facilities: Provided, That facilities which are determined by other Acts and subordinate statutes for the prevention of accidents, such as fire and explosion, and for which permission for the installation of emission facilities has been obtained shall be excluded;
 3. Neglecting emission facilities or preventive facilities without any justifiable reason, which leak pollutants due to corrosion and abrasion;
 4. Neglecting broken or damaged machines and tools belonging to preventive facilities without any justifiable reason;
 5. Failing to operate emission facilities or preventive facilities normally without any justifiable reason, thereby discharging pollutants in excess of the permissible emission levels.
- (2) A business operator shall, when in operation, make a record on the state of operation of emission facilities and preventive facilities as they are and keep it under conditions prescribed by Ordinance of the Ministry of Environment.

Article 32 (Installation, etc. of Measuring Devices)

- (1) A business operator shall endeavor to ensure that emission facilities and preventative facilities are properly operated by taking measures, such as the installation of measuring devices to confirm whether the pollutants discharged from such emission facilities meet the permissible emission levels under Articles 16 and 29 (3).
- (2) Necessary matters concerning the types, standards, etc. of the measures as referred to in paragraph (1) shall be determined by Presidential Decree.
- (3) A business operator who has installed a measuring device pursuant to paragraph (1) shall be prohibited from engaging in conduct falling under any of the following subparagraphs when operating such measuring device:
1. Failing to operate the measuring device deliberately when the emission facilities are in operation, or preventing the measuring device from working normally;

2. Failing to repair a malfunctioning measuring device due to corrosion, abrasion, breakdown, or damage without justifiable grounds;
 3. Omitting measuring results by manipulating the measuring device or compiling false measuring results.
- (4) A business operator who has installed a measuring device under paragraph (1) shall observe the operation and management standards for measuring devices prescribed by Ordinance of the Ministry of Environment to sustain the credibility and correctness of the results measured by such measuring devices.
- (5) The Minister of Environment may order a business operator who fails to observe the operation and management standards for measuring devices under paragraph (4) to take necessary measures to operate and manage measuring devices in conformity with the standards, fixing a period of time under conditions prescribed by Presidential Decree.
- (6) In cases where a person who has received an order to take measures under paragraph (5) fails to comply with such order, the Minister of Environment may order the full or partial suspension of operation of the relevant emission facilities.
- (7) The Minister of Environment may operate a computer network which is linked to measuring devices installed by a business operator under paragraph (1) in order to electronically process the measuring results thereof, and offer technical assistance to enable the business operator to normally maintain and manage the measuring devices.

Article 33 (Orders for Improvement)

The Minister of Environment may, when he/she deems that the level of pollutants emitted from an emission facility which is in operation upon the completion of the report referred to in Article 30 exceeds the permissible emission levels under Article 16 or 29 (3), order the business operator concerned (including the representative of the jointly-used preventive facilities under Article 29 (2)) to take necessary measures to lower the level of pollutants below the permissible emission levels, fixing a period of time under conditions prescribed by Presidential Decree (hereinafter referred to as "order for improvement").

Article 34 (Orders for Suspension of Operation, etc.)

- (1) In cases where a person who has received an order for improvement under Article 33 fails to carry out such order for improvement or is found to continue to exceed the permissible emission levels under Article 16 or 29 (3) as a result of inspection even though he/she has carried out the order for improvement within a fixed period of time, the Minister of Environment may order the full or partial suspension of operation of the

relevant emission facilities.

- (2) The Minister of Environment may, when he/she deems that air pollution threatens imminent damage to residents' health and the environment, immediately issue an order for restriction of working hours, suspension of operation, or other necessary measures with respect to the relevant emission facilities, under conditions prescribed by Ordinance of the Ministry of Environment.

Article 35 (Emission Dues)

- (1) In order to prevent or reduce damage to the atmospheric environment, which is caused by air pollutants, the Minister of Environment shall impose and collect emission dues on and from business operators (including those who install and operate jointly-used preventive facilities under Article 29) emitting air pollutants and persons who install or alter emission facilities without obtaining permission for installation or permission for alteration, or making a report on installation or report on alteration under Article 23 (1) through (3). In such cases, the emission dues shall be imposed as classified in each of the following subparagraphs, and necessary matters concerning the method of calculation, criteria for calculation, etc. thereof shall be determined by Presidential Decree:
 1. Excess dues shall be imposed according to the quantity, concentration, etc. of pollutants emitted in cases of emission exceeding the permissible emission levels;
 2. Basic dues shall be imposed according to the quantity, concentration, etc. of pollutants emitted by a business operator who emits air pollutants (excluding the owner or occupant of a facility exempted from environmental improvement charges under Article 9 (3) of the Environment Improvement Expenses Liability Act) below the permissible emission levels.
- (2) In the imposition of emission dues under paragraph (1), matters in each of the following subparagraphs shall be considered:
 1. Whether the permissible emission levels are exceeded;
 2. The kind of pollutants emitted;
 3. The period of pollutant emission;
 4. The quantity of pollutants emitted;
 5. Whether self-measurement under Article 39 is performed;
 6. Other matters related to air pollution or improvement of air quality, determined by Ordinance of the Ministry of Environment.
- (3) Notwithstanding paragraph (1), persons falling under any of the following subparagraphs shall be exempted from the imposition of emission dues referred to in paragraph (1)

under conditions prescribed by Presidential Decree:

1. A business operator who operates an emission facility using fuel prescribed by Presidential Decree;
 2. A business operator who has installed the optimum preventive facility prescribed by Presidential Decree;
 3. A person who operates military facilities determined by the Minister of Environment through consulting with the Minister of National Defense under conditions prescribed by Presidential Decree.
- (4) The emission dues under paragraph (1) may be reduced or exempted for a person who falls under any of the following subparagraphs. In such cases, the emission dues to be charged to a business operator under subparagraph 2 shall be reduced or exempted within the amount of disposal expenses borne by the business operator under relevant Acts:
1. A business operator who operates an emission facility the size of which does not exceed the size determined by Presidential Decree;
 2. A business operator who bears the costs to treat air pollutants under other Acts.
- (5) In cases where a person who is liable for the payment of emission dues under paragraph (1) fails to make such payment by the deadline for payment, the Minister of Environment may collect additional dues.
- (6) Articles 21 and 22 of the National Tax Collection Act shall apply mutatis mutandis to the additional dues under paragraph (5).
- (7) The emission dues referred to in paragraph (1) and additional dues referred to in paragraph (5) shall be tax revenues of the special account for environmental improvement under the Act on the Special Accounts for Environment Improvement (hereinafter referred to as "special account for environmental improvement").
- (8) The Minister of Environment may, when he/she has delegated to the Mayor/Do Governor the authority for the collection of emission dues and additional dues in areas under the jurisdiction of the Mayor/Do Governor under Article 87, grant part of collected emission dues and additional dues to the Mayor/Do Governor as collection expenses under conditions prescribed by Presidential Decree.
- (9) In cases where a person who is liable for the payment of emission dues or additional dues fails to make such payment by the deadline for payment, the Minister of Environment or the Mayor/Do Governor delegated with the authority under paragraph (8) may collect them according to the examples for the disposition of national or local taxes in arrears.

Article 36 (Cancellation of Permission, etc.)

The Minister of Environment may, when a business operator falls under any of the following subparagraphs, cancel the permission for the installation of emission facilities or permission for the alteration thereof, or order the closure of emission facilities or suspension of operation of emission facilities, fixing a period of not longer than six months: Provided, That in case where a business operator falls under subparagraph 1, 2, 10, 11 or 18, the Minister of Environment shall cancel such permission for the installation of emission facilities or permission for the alteration thereof, or order the closure of emission facilities:

1. Where the business operator has obtained the permission for installation or permission for alteration by false or other unjust means;
2. Where the business operator has made a report on installation or report on alteration by false or other unjust means;
3. Where the business operator has failed to obtain permission for alteration or has failed to make a report on alteration under Article 23 (2) or (3);
4. Where the business operator has installed and operated emission facilities without installing preventive facilities under the main sentence of Article 26 (1), or (2);
5. Where the business operator has started operation without making a report on the commencement of operation under Article 30 (1);
6. Where the business operator has committed an act falling under any subparagraph of Article 31 (1);
7. Where the business operator has made a false record of the operation of emission facilities and preventive facilities under Article 31 (2) or has failed to keep such record;
8. Where the business operator has failed to take measures necessary for the proper operation of emission facilities and preventive facilities, such as installation of measuring devices, in violation of Article 32 (1);
9. Where the business operator has committed an act falling under any subparagraph of Article 32 (3);
10. Where the business operator has failed to comply with an order for suspension of operation under Article 32 (6);
11. Where the business operator has failed to comply with an order for suspension of operation under Article 34;
12. Where the business operator has failed to perform self-measurement in violation of Article 39 (1) or has performed a measurement contrary to measuring methods;
13. Where the business operator has made a false record of the results of self-measurement in violation of Article 39 (1) or has failed to keep such record;

14. Where the business operator has failed to appoint an environmental engineer under Article 40 (1) or has appointed a disqualified environmental engineer;
15. Where the business operator has failed to perform supervision under Article 40 (3);
16. Where the business operator has failed to carry out an order for prohibition of or restriction on the supply, sale or use of fuel under Article 41 (4) or an order to take measures;
17. Where the business operator has failed to carry out an order for prohibition of or restriction on the manufacture, supply, sale or use of fuel under Article 42 or an order to take measures;
18. Where the business operator has operated within the period of suspension of operation.

Article 37 (Dispositions of Penalty Surcharges)

- (1) In cases where the Minister of Environment is required to order a business operator who installs and operates an emission facility falling under any of the following subparagraphs to suspend the operation of such facility under Article 36, if such case of suspension of operation falls under cases prescribed by Presidential Decree, such as cases which are deemed to threaten to considerably impede the livelihood of the residents and national economy, such as foreign credit, employment, prices and public interest, the Minister of Environment may impose penalty surcharges in an amount not exceeding 200 million won in lieu of the disposition of the suspension of operation:
 1. Emission facilities of medical institutions under the Medical Service Act;
 2. Cooling and heating facilities of social welfare facilities and collective houses;
 3. Electricity generating equipment of the power plant;
 4. Collective energy facilities under the Integrated Energy Supply Act;
 5. Emission facilities of schools under the Elementary and Secondary Education Act and the Higher Education Act;
 6. Emission facilities of manufacturing industries;
 7. Other emission facilities prescribed by Presidential Decree.
- (2) The amount of penalty surcharges according to the category, degree, etc. of a violation for which a penalty surcharge under paragraph (1) is imposed and other necessary matters shall be determined by Ordinance of the Ministry of Environment.
- (3) The Minister of Environment shall, if a person liable for the payment of a penalty surcharge under paragraph (1) fails to make such payment by the deadline for payment, collect it according to the examples for the disposition of the national taxes in arrears.
- (4) Penalty surcharges collected under paragraph (1) shall be tax revenues of the special

account for environmental improvement.

- (5) In cases where the authority of the Minister of Environment over the imposition and collection of penalty surcharges is delegated to the Mayor/Do Governor under Article 87, Article 35 (8) shall apply mutatis mutandis to the grant of the collection expenses thereof.

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

The Minister of Environment shall issue an order for the suspension of use to a person who installs or uses an emission facility without obtaining permission or making a report under Article 23 (1) through (3): Provided, That in cases deemed unlikely to lower the level of pollutants emitted from an emission facility below the permissible emission levels under Article 16 even if the emission facility is improved or preventive facilities are installed or improved, or in cases where the site is prohibited from the installation of emission facilities under other Acts, the Minister of Environment shall issue an order for the closure of the emission facilities.

Article 39 (Self-Measurement)

- (1) When a business operator operates emission facilities, he/she shall perform a self-measurement of pollutants emitted or have a measuring agent under Article 16 of the Environmental Examination and Inspection Act perform a measurement, and record the results thereof as they are and keep them under conditions prescribed by Ordinance of the Ministry of Environment.
- (2) The subjects, items and methods of measurement and other matters necessary for measurement shall be determined by Ordinance of the Ministry of Environment.

Article 40 (Environmental Engineers)

- (1) A business operator shall appoint an environmental engineer for the normal operation and management of emission facilities and preventive facilities, and report to the Minister of Environment thereon. The same shall apply to cases of replacing an environmental engineer.
- (2) An environmental engineer shall guide and supervise those who are engaged in the operation of emission facilities and preventive 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 observe matters prescribed by Ordinance of the Ministry of Environment, such as working full-time at the place of business.
- (3) A business operator shall supervise environmental engineers to thoroughly observe the

matters referred to in paragraph (2).

- (4) A business operator and those who are engaged in the operation of emission facilities and preventive facilities shall not interfere with the activities of the environmental engineer for the normal operation and management of the emission facilities and preventative facilities. When receiving a request necessary for the performance of duties from the environmental engineer, they shall comply with such request unless there is any justifiable reason to the contrary.
- (5) The scope of places of business to have environmental engineers under paragraph (1), qualifications of environmental engineers and term of appointment (including appointment by replacement) shall be determined by Presidential Decree.

CHAPTER III REGULATION ON EMISSION OF AIR POLLUTANTS IN LIVING ENVIRONMENT

Article 41 (Sulfur Content Level for Oils Used for Fuel and Other Fuels)

- (1) The Minister of Environment may determine a permissible sulfur content level (hereinafter referred to as a “sulfur content level”) for each kind of oil used for fuel and other fuels, consulting with the heads of relevant central administrative organs.
- (2) With respect to the fuels the sulfur content levels of which are determined under paragraph (1), the Minister of Environment may determine the scope of areas to supply or facilities to use the fuels under conditions prescribed by Presidential Decree, and request the heads of relevant central administrative organs to supply fuels by area or by facility.
- (3) A person who intends to supply or sell a fuel to an area or facility under paragraph (2), or to use a fuel in such area or facility shall not 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 permission for the installation of the emission facilities or permission for the alteration thereof has been obtained or a report on installation or report on alteration has been made pursuant to Article 23 under conditions prescribed by Ordinance of the Ministry of Environment may supply, sell or use fuels exceeding the sulfur content levels.
- (4) With respect 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), the Minister of Environment or the Mayor/Do Governor (the subjects to which the Mayors/Do Governors are able to issue an order for prohibition, restriction or taking measures shall be limited to places of business except for the places of business determined by Presidential Decree; hereafter the same shall apply in Article 42) may prohibit or restrict the supply, sale or use of the fuel or order to take necessary measures under conditions prescribed by Presidential Decree.

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

The Minister of Environment or the Mayor/Do Governor may, when he/she deems particularly necessary for the prevention of air pollution caused by the use of a fuel, prohibit or restrict the manufacture, sale or use of the fuel or order to take necessary measures under conditions prescribed by Presidential Decree through consulting with the heads of relevant central administrative organs: 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 under conditions prescribed by Presidential Decree.

Article 43 (Regulation on Scattering Dust)

- (1) A person who intends to conduct a business which emits dust directly into the air without passing through a specific outlet (hereinafter referred to as "scattering dust") and which is prescribed by Presidential Decree shall make a report thereon to the Mayor/Do Governor under conditions prescribed by Ordinance of the Ministry of Environment, and install facilities to control dust-scattering or take necessary measures. The same shall apply to the alteration thereof.
- (2) The Mayor/Do Governor may, when a person who conducts a business fails to install facilities to control dust-scattering or fails to take necessary measures under paragraph (1), or when the Mayor/Do Governor deems that the facilities installed or measures taken are not proper, issue an order for the installation of necessary facilities, implementation of measures, or improvement to the person who conducts a business.
- (3) The Mayor/Do Governor may order a person who fails to carry out an order under paragraph (2) to suspend the business, or suspend or restrict the use of the facilities, etc.

Article 44 (Regulation on Volatile Organic Compounds)

- (1) A person who intends to install facilities which emit volatile organic compounds and are prescribed by Presidential Decree in a special measures area or air quality-regulated area under Article 18 (1) (applicable only to cases for which an action plan has been published

under Article 19 (2); hereinafter referred to as “air quality-regulated area”) shall make a report thereon to the Minister of Environment or the Mayor/Do Governor (in cases of the Mayors/Do Governors, applicable only to places of business except for those determined by Presidential Decree; hereafter the same shall apply in this Article) under conditions prescribed by Ordinance of the Ministry of Environment.

- (2) In cases where a person who has made a report under paragraph (1) intends to alter matters prescribed by Ordinance of the Ministry of Environment from among the matters he/she has reported, he/she shall make a report on the alteration thereof.
- (3) Any 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 determined by Ordinance of the Ministry of Environment.
- (5) A City/Do may set up standards more intensified than those under paragraph (4) by Municipal Ordinance of the City/Do.
- (6) In cases where there exists any facility for which a report on the installation thereof has been made or is to be made to the Ministry of Environment under paragraph (1) within the City/Do to which intensified standards apply under paragraph (5), the intensified standards under paragraph (5) shall also apply even to the facilities to control or prevent volatile organic compounds from being emitted from such facility.
- (7) The Minister of Environment or the Mayor/Do Governor 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.

Article 45 (Regulation on Existing Facilities Emitting Volatile Organic Compounds)

- (1) A person who is operating a facility emitting volatile organic compounds in an area at the time when such area is designated and announced (in cases of an air quality-regulated area, referring to the announcement of an action plan under Article 19 (2); hereafter the same shall apply in this paragraph) as a special measures area or air quality-regulated area shall file a report under Article 44 (1) within three months from the date of designation and announcement as a special measures area or air quality-regulated area,

and shall take measures under Article 44 (3) within one year from the date of designation and announcement as a special measures area or air quality-regulated area.

- (2) In cases where an additional volatile organic compound has been announced, a person who is operating a facility emitting such additional volatile organic compound in a special measures area or air quality-regulated area shall file a report under Article 44 (1) within three months from the date on which such substance is additionally announced and take measures under Article 44 (3) within one year from the date on which such substance is additionally announced.
- (3) In cases where a person who has filed a report under paragraphs (1) and (2) intends to alter reported matters, he/she shall file a report on the alteration thereof under Article 44 (2).
- (4) Notwithstanding paragraphs (1) and (2), in cases which fall under causes prescribed by Presidential Decree, such as cases where a measure taken under Article 44 (3) requires a special technique, the period for such measure may be extended within the scope of one year upon approval of the Minister of Environment or the Mayor/Do Governor.
- (5) Article 44 (7) shall apply mutatis mutandis to cases where the measures provided for in paragraph (1), (2) or (4) are not taken within the period referred to in each of those paragraphs.

CHAPTER IV REGULATION OF EXHAUST GASES FROM AUTOMOBILES, SHIPS, ETC.

Article 46 (Permissible Emission Levels, etc. for Manufactured Automobiles, etc.)

- (1) A person who intends to manufacture (including importation; hereinafter the same shall apply) automobiles (referring to engines in cases of construction machinery prescribed by Ordinance of the Ministry of Environment; hereafter the same shall apply in this Article, Articles 47 through 56, 82 (1) 6, subparagraphs 6 and 7 of Article 89 and subparagraph 4 of Article 91) (hereinafter referred to as an “automobile manufacturer”) shall manufacture them in compliance with the permissible levels (hereinafter referred to as “permissible emission levels for manufactured automobiles”) for pollutants (applicable only to pollutants prescribed by Presidential Decree; hereinafter referred to as “exhaust gases”) emitted from the relevant automobile (hereinafter referred to as “manufactured automobiles”), as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 9311, Dec. 31, 2008>

- (2) The Minister of Environment shall, when drafting an Ordinance of the Ministry of Environment as referred to in paragraph (1), consult with the heads of relevant central administrative organs.
- (3) Exhaust gases emitted from manufactured automobiles shall meet the permissible emission levels for manufactured automobiles for the period prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as "exhaust gas guarantee period").

Article 47 (Support for Technical Development, etc.)

- (1) The State may provide financial and technical support necessary for the technical development or manufacture of facilities, etc. falling under any of the following subparagraphs for the reduction of air pollution caused by automobiles:
 1. Low-pollution automobiles, and facilities for supplying fuel to low-pollution automobiles, which are determined by the Minister of Environment;
 2. Exhaust-gas reduction devices;
 3. Low-pollution engines.
- (2) The Minister of Environment may subsidize part of the expenses incurred in technological development or manufacturing under paragraph (1) from the special account for environmental improvement.

Article 48 (Certification of Manufactured Automobiles)

- (1) An automobile manufacturer shall, when he/she intends to manufacture an automobile, obtain in advance certification from the Minister of Environment that the exhaust gases from the automobile shall be maintained to meet the permissible emission levels for manufactured automobiles within the exhaust gas guarantee period: Provided, That the Minister of Environment may exempt or omit certification for automobiles under conditions determined by Presidential Decree.
- (2) An automobile manufacturer who intends to alter important matters prescribed by Ordinance of the Ministry of Environment from among the contents of the certification for an automobile 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 determined by Ordinance of the Ministry of Environment. <Amended by Act No. 9311, Dec. 31, 2008>

Article 48-2 (Vicarious Execution of Affairs of Test for Certification)

- (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 him/her.
- (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 deceit or other unjust means;
 3. Violating the matters to be observed, 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.

[This Article Newly Inserted by Act No. 9311, Dec. 31, 2008]

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

In cases where a testing agency for certification falls under any of the following subparagraphs, the Minister of Environment may revoke the designation as the testing agency or order to suspend the whole or part of its business by fixing a period within six months: Provided, That in cases where it falls under subparagraph 1, he/she shall revoke such designation:

1. In cases where it has been designated by deceit or other unjust means;
2. In cases where it has committed any prohibited acts under the subparagraphs of Article 48-2 (2);
3. In cases where it has failed to meet the standards for designation under Article 48-2 (3).

[This Article Newly Inserted by Act No. 9311, Dec. 31, 2008]

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

In cases where an automobile manufacturer has transferred the business or is deceased, or an automobile 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 automobile manufacturer, which result from the certification or certification for alteration under Article 48.

Article 50 (Inspection of Permissible Emission Levels for Manufactured Automobiles, etc.)

- (1) The Minister of Environment shall conduct an inspection under conditions prescribed by Presidential Decree in order to ascertain whether or not exhaust gases from automobiles manufactured under certification referred to in Article 48 meet the permissible emission levels for manufactured automobiles.
- (2) In cases where an automobile manufacturer has conducted an inspection according to the method and procedures of inspection determined by the Minister of Environment with human resources and equipment determined by Ordinance of the Ministry of Environment, the Minister of Environment may omit the inspection referred to in paragraph (1) under conditions prescribed by Presidential Decree.
- (3) The Minister of Environment may, when especially necessary for the inspection under paragraph (1), use the facilities of automobile manufacturers or conduct an inspection in a separately designated place under conditions prescribed by Ordinance of the Ministry of Environment.
- (4) Expenses needed to conduct an inspection under paragraph (1) and Article 51 shall be borne by automobile manufacturers.
- (5) Detailed matters necessary for inspection, such as the methods, procedures, etc. of inspection under paragraph (1), shall be determined and announced by the Minister of Environment.
- (6) The Minister of Environment may order the manufacturer of an automobile which has failed to pass an inspection as a result of inspection under paragraph (1) to suspend the sale or delivery of the same model of automobiles 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 determined by the Minister of Environment.

Article 51 (Inspection for Confirmation of Defects and Correction of Defects)

- (1) An automobile manufacturer shall be subject to inspection by the Minister of Environment as to whether exhaust gases emitted from automobiles in operation within their exhaust gas guarantee periods meet the permissible emission levels (hereinafter referred to as "inspection for confirmation of defects").

- (2) Matters necessary for the criteria for selecting automobiles to be subject to the inspection for confirmation of defects, method, procedure and standards of inspection, method of decision-making, inspection fees, etc. shall be determined by Ordinance of the Ministry of Environment.
- (3) The Minister of Environment shall, when determining Ordinance of the Ministry of Environment as referred to in paragraph (2), consult with the heads of relevant central administrative organs, and determine and announce each year automobile 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 an automobile subject to inspection is determined not to be in conformity with the permissible emission levels for manufactured automobiles as a result of the inspection for confirmation of defects and the automobile manufacturer is deemed responsible for the cause thereof, issue an order for the correction of defects with respect to such automobile model: Provided, That in cases where the automobile 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) An automobile manufacturer who has received an order for the correction of defects or makes an attempt to correct the defects of an automobile by himself/herself under paragraph (4) shall establish a plan for the correction of defects of the automobile under conditions 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) In cases 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 who has received 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) In cases where exhaust gas-related parts which the Minister of Environment determined through consulting with the Minister of Knowledge Economy and the Minister of Land, Transport and Maritime Affairs by Ordinance of the Ministry of Environment (hereinafter referred to as "parts") fail to maintain normal functions, the owner or

operator of the automobile which is within the exhaust gas guarantee period may demand the automobile manufacturer to correct the defect. <Amended by Act No. 8852, Feb. 29, 2008>

- (2) An automobile manufacturer who is demanded to correct a defect under paragraph (1) shall correct the defect, examining the demand without delay: Provided, That the same shall not apply to cases where the automobile manufacturer verifies that the defect was not caused deliberately or by negligence.

Article 53 (Report on and Correction of Defective Parts)

- (1) In cases where the number or ratio of cases requiring the correction of defective parts under Article 52 (1) meets the requirements prescribed by Presidential Decree, an automobile manufacturer shall report the current status of correction of defects and current status of defective parts to the Minister of Environment under conditions prescribed by Presidential Decree: Provided, That the same shall not apply to cases where the automobile 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) In cases where the number of cases of defective parts or the ratio of defects meets the requirement prescribed by Presidential Decree, an automobile 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 to cases where the automobile manufacturer verifies that automobiles are to be maintained in conformity with the permissible emission levels for manufactured automobiles during their exhaust gas guarantee period in spite of such defective parts.
- (3) In cases where an automobile manufacturer who is to correct defective parts under the main sentence of paragraph (2) fails to correct the defective parts without any justifiable reason, the Minister of Environment may issue an order for the correction of defects.
- (4) Article 51 (5) shall apply mutatis mutandis to cases where an automobile manufacturer corrects a defect under the proviso to paragraph (1), the main sentence of paragraph (2), and paragraph (3).

Article 54 (Installation and Operation of Computer Network for Management of Information on Exhaust Gases)

The Minister of Environment may install and operate a computer network linked to an

electronic data processing system established under Article 69 of the Automobile Management Act to manage data on defective parts and exhaust gases under conditions prescribed by Ordinance of the Ministry of Environment.

Article 55 (Revocation of Certification)

The Minister of Environment may revoke certification in cases which fall under any of the following subparagraphs: Provided, That in cases falling under subparagraph 1 or 2, he/she shall revoke the certification:

1. Where the certification was obtained by deceitful or other unlawful means;
2. Where a manufactured automobile is unable to conform with the permissible emission levels for manufactured automobiles due to a serious defect, even if it is improved;
3. Where an order for the suspension of sale or delivery of automobiles under Article 50 (6) is violated;
4. Where an order for the correction of defects under Article 51 (4) or (6) is not carried out.

Article 56 (Disposition of Imposition of Penalty Surcharges)

(1) In cases where an automobile manufacturer falls under any of the following subparagraphs, the Minister of Environment may impose on the automobile manufacturer a penalty surcharge within the scope not exceeding an amount obtained by multiplying the amount of sales by 3/100. In such cases, the amount of penalty surcharge shall not exceed one billion won:

1. Where the automobile manufacturer manufactures and sells automobiles in violation of Article 48 (1) and without obtaining certification;
 2. Where the automobile manufacturer manufactures and sells automobiles differently from the details of certification under Article 48 (1).
- (2) The calculation of the sales amount referred to in paragraph (1), the amount of a penalty surcharge to be imposed according to the seriousness of a violation and other necessary matters shall be determined by Presidential Decree.
- (3) Article 37 (3) and (4) shall apply mutatis mutandis to the collection and use of penalty surcharges imposed under paragraph (1).

Article 57 (Permissible Emission Levels for Automobiles in Operation)

Each automobile owner shall operate an automobile or ensure the automobile operates to emit exhaust gases in conformity with the permissible emission levels for automobiles in operation, as prescribed by Presidential Decree (hereinafter referred to as “permissible

emission levels for automobiles in operation”).

Article 58 (Operation, etc. of Low-Pollution Automobiles)

- (1) The Mayor/Do Governor may, when he/she deems necessary for the improvement of air quality in urban areas, order the owners of automobiles which use light oil and satisfy the requirements determined by Ordinance of the Ministry of Environment for the life span, emission level of air pollutants, etc. (hereafter referred to as “light fuel automobiles” in this Article) from among automobiles in operation in such areas to take measures falling under any of the following subparagraphs with respect to the automobiles, or recommend the early retirement of automobiles from service under municipal ordinance of the relevant City/Do:
1. Conversion into low-pollution automobiles;
 2. Installation of exhaust gas reduction devices;
 3. Remodelling into or replacement with low-pollution engines.
- (2) The State or local governments may provide persons falling under any of the following subparagraphs with necessary subsidies and loans within the budgetary limit in order to facilitate wider use of low-pollution automobiles, installation of exhaust gas reduction devices, and remodelling into and replacement with low-pollution engines: <Amended by Act No. 9695, May 21, 2009>
1. Persons who purchase low-pollution automobiles;
 2. Persons who install facilities to supply fuels (including electricity, solar energy, hydrogen fuel, natural gas, etc.) to low-pollution automobiles, as determined by the Minister of Environment;
 3. Persons who install an exhaust gas reduction device to a light fuel automobile, or convert or replace a light fuel automobile into or with a low-pollution engine under paragraph (1);
 4. Persons who retire their light fuel automobiles from service early according to the recommendation under paragraph (1);
 5. Other persons who purchase automobiles which emit a very small quantity of exhaust gases, as determined and announced by the Minister of Environment.
- (3) With respect to an automobile owner (including persons to whom were transferred rights of ownership by the relevant automobile owner; hereafter referred to as “owner” in this Article) who was subsidized for expenses needed for the installation of exhaust gas reduction devices, or converting into or replacement with a low-pollution engine under paragraph (2) 3, the Minister of Environment may set a period for compulsory operation

of the relevant automobile within the scope of its warranty period. <Newly Inserted by Act No. 8956, Mar. 21, 2008>

- (4) The owner shall, when he/she intends to cancel the registration of an automobile for the retirement of the automobile from service, exportation, etc., return installed exhaust gas reduction devices or remodelled or replaced low-pollution engines to the head of the relevant local government under conditions prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 8956, Mar. 21, 2008>

Article 59 (Restriction on Idling)

- (1) The Mayor/Do Governor may, when it is deemed necessary for the reduction of air pollution and loss of fuel caused by automobile exhaust gases, restrict the running of an automobile engine while parked or stopped at a terminal, garage, parking lot, etc. as prescribed by Municipal Ordinance of the City/Do. <Amended by Act No. 9695, May 21, 2009>
- (2) The Mayor/Do Governor may issue an order to attach a device which restricts idling pursuant to Municipal Ordinance of the City/Do to automobiles prescribed by Ordinance of the Ministry of Environment, including those for the mass traffic, in order to prevent air pollution and loss of fuel owing to idling. <Newly Inserted by Act No. 9695, May 21, 2009>
- (3) The State or a local government may subsidize or extend a loan within the budgetary limits to owners of automobiles which have received an order to attach a device under paragraph (2). <Newly Inserted by Act No. 9695, May 21, 2009>

Article 60 (Certification, etc. of Exhaust Gas Reduction Devices)

- (1) A person who intends to manufacture, supply or sell exhaust gas reduction devices or low-pollution engines shall obtain certification of the Minister of Environment that the devices or engines are able to be maintained in conformity with the reduction efficiency determined by Ordinance of the Ministry of Environment for the warranty period: Provided, That in cases where certification of manufactured automobiles was obtained, installing an exhaust gas reduction device or low-pollution engine in the manufacturing process, the certification may be omitted.
- (2) When a person who has obtained certification under paragraph (1) intends to alter certified matters, he/she shall obtain certification for such alteration.
- (3) An exhaust gas reduction device or low-pollution engine certified under Article 26 of the Special Act on the Improvement of Air and Environment for Seoul Metropolitan Area

shall be exempted from the certification under paragraph (1).

- (4) In cases which fall under subparagraph 1, the Minister of Environment shall cancel the certification: Provided, That in cases which fall under subparagraph 2, he/she may cancel the certification:
1. Where the certification is obtained by deceitful or other unlawful means;
 2. Where the reduction efficiency under paragraph (1) is not able to be maintained due to a defect in the exhaust gas reduction device or low-pollution engine even after improvement.
- (5) A person who intends to obtain certification or certification for alteration under paragraphs (1) and (2) shall pay fees under conditions prescribed by Ordinance of the Ministry of Environment.
- (6) Matters necessary for application for, testing, criteria, method, etc. of certification under paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

Article 61 (Occasional Checkup of Automobiles in Operation)

- (1) The Seoul Metropolitan City Mayor, Metropolitan City Mayor, or head of a Si/Gun/Gu may check up automobiles in operation on the road, at the parking lot, etc. to confirm as to whether the exhaust gases from the automobiles in operation are in conformity with the permissible emission levels for automobiles in operation under Article 57.
- (2) Automobile operators shall cooperate with the checkup referred to in paragraph (1), and shall not fail to respond to, evade or interfere therewith.
- (3) Matters necessary for the method, etc. of checkup referred to in paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

Article 62 (Regular Inspection of Exhaust Gases from Automobiles in Operation)

- (1) The owner of an automobile shall undergo regular inspections of exhaust gases from automobiles in operation (hereinafter referred to as a “regular inspection”) conducted to confirm as to whether the automobile exhaust gases are in conformity with the permissible emission levels for automobiles in operation under Article 43 (1) 2 of the Automobile Management Act and Article 13 (1) 2 of the Construction Machinery Management Act: Provided, That automobiles subject to a close inspection under Article 63 shall be excluded from those subject to regular inspection of the relevant year.
- (2) Matters necessary for the method of regular inspection under paragraph (1), items of inspection, capabilities of inspection of inspection institutions, etc. shall be determined

by Ordinance of the Ministry of Environment.

- (3) The Minister of Environment shall, when drafting an Ordinance of the Ministry of Environment as referred to in paragraph (2), consult with the Minister of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>
- (4) The Minister of Environment may request the Minister of Land, Transport and Maritime Affairs for the provision of materials on the results of regular inspection. In such cases, the Minister of Land, Transport and Maritime Affairs shall comply therewith unless there is special reason not to do so. <Amended by Act No. 8852, Feb. 29, 2008>

Article 63 (Close Inspection of Exhaust Gases from Automobiles in Operation)

- (1) The owner of an automobile registered (referring to the registration under Article 5 of the Automobile Management Act and Article 3 of the Construction Machinery Management Act) in an area falling under any of the following subparagraphs shall receive a close inspection of exhaust gases from automobiles in operation (hereinafter referred to as a "close inspection") conducted by the competent Mayor/Do Governor under conditions prescribed by Municipal Ordinance of the relevant City/Do: Provided, That automobiles prescribed by Ordinance of the Ministry of Environment, such as low-pollution automobiles, may not be subject to close inspection:
 1. Air quality-regulated areas designated and announced under Article 18 (1);
 2. Urban areas having a population of not less than 500,000, as determined by Presidential Decree.
- (2) The Mayor/Do Governor may, when it is deemed that the owner of an automobile is unable to receive a close inspection due to natural disaster or other inevitable causes, extend the validity period of close inspection under paragraph (6) or postpone the close inspection under conditions prescribed by Ordinance of the Ministry of Environment.
- (3) The Mayor/Do Governor may order the owner of an automobile who has failed to receive a close inspection to receive the close inspection under conditions prescribed by Ordinance of the Ministry of Environment.
- (4) An automobile owner who intends to maintain an automobile prescribed by Ordinance of the Ministry of Environment from among automobiles judged unfit in the close inspection shall have it maintained by an automobile maintenance business operator specialized in exhaust gases and designated under Article 68 (1). When the automobile owner receives a re-inspection, he/she shall submit a certificate of maintenance and checkup issued under paragraph (2) of the same Article.
- (5) A person who intends to receive a close inspection shall pay a fee determined by

Ordinance of the Ministry of Environment.

- (6) The Mayor/Do Governor may, when an automobile owner falling under paragraph (1) fails to carry out an order to receive a close inspection under paragraph (3), retain the license plate registered of the relevant automobile in custody under conditions prescribed by Ordinance of the Ministry of Environment. In such cases, the Mayor/Do Governor shall notify the relevant automobile owner of the fact of retaining the license plate registered in custody. <Newly Inserted by Act No. 8956, Mar. 21, 2008>
- (7) Automobiles subject to close inspection under paragraph (1), term of validity of inspection, method of inspection, establishment and operation of an electronic data processing system for close inspection and other necessary matters for the management of close inspection shall be determined by Ordinance of the Ministry of Environment.

Article 64 (Vicarious Performance of Close Inspection Services)

- (1) The Mayor/Do Governor shall have the Korea Transportation Safety Authority established under the Korea Transportation Safety Authority Act perform vicariously close inspection services under Article 63 (1): Provided, That the Mayor/Do Governor may, when it is deemed necessary for the efficient performance of close inspection, designate an automobile maintenance business operator designated under Article 45 of the Automobile Management Act as a designated business operator of close inspection of automobiles in operation (hereinafter referred to as “designated business operator”) to vicariously perform close inspection services.
- (2) The Korea Transportation Safety Authority and designated business operators who vicariously perform close inspection services under paragraph (1), and persons engaged in close inspection services shall not commit acts falling under any of the following subparagraphs:
1. Having another person perform the inspection services in the name of the person in question;
 2. Conducting an inspection by false or other unlawful means.
- (3) The Korea Transportation Safety Authority and designated business operators who vicariously perform close inspection services under paragraph (1) shall be equipped with technical capabilities, facilities and equipment needed to conduct close inspections, and abide by matters to be observed, as prescribed by Ordinance of the Ministry of Environment.
- (4) Criteria for designation, procedure of designation, and scope of inspection services of designated business operators under paragraph (1), criteria for the technical capabilities,

facilities, equipment, etc. of persons who vicariously perform close inspection services under paragraph (1) and other matters necessary for close inspection shall be determined by Ordinance of the Ministry of Environment.

Article 65 (Disqualification of Designated Business Operators)

A person who falls under any of the following subparagraphs shall not be designated as a designated business operator:

1. An incompetent or quasi-incompetent;
2. A person who has been adjudicated bankrupt and has not yet been reinstated;
3. A person who has been sentenced to imprisonment with prison labor or heavier punishment in violation of this Act and for whom two years have not elapsed since the execution of such punishment was terminated (including cases where the execution is deemed to have been terminated) or exempted;
4. A person for whom two years have not elapsed since designation as a designated business operator was cancelled under Article 66;
5. A person for whom two years have not elapsed since the registration of a confirming inspection agent was cancelled under Article 73;
6. A corporation having an executive who falls under any of subparagraphs 1 through 5.

Article 66 (Revocation of Designation, etc.)

In cases where the Korea Transportation Safety Authority or a designated business operator who vicariously conducts a close inspection falls under any of the following subparagraphs, the Mayor/Do Governor may order the full or partial suspension of the vicariously performed services, fixing a period not exceeding six months, or revoke the designation as a designated business operator: Provided, That subparagraphs 1, 4 and 6 shall apply only to designated business operators, and when they fall under subparagraph 1 or 4, the designation thereof shall be revoked:

1. Where they have been designated by false or other unlawful means;
2. Where they have committed prohibited acts under any subparagraph of Article 64 (2);
3. Where they have failed to meet the standards for technical capabilities, facilities and equipment or failed to abide by matters to be observed under Article 64 (3);
4. Where they have fallen under any subparagraph of Article 65: Provided, That in cases of a corporation which falls under subparagraph 6 of the same Article, the same shall apply only to cases where the cause thereof fails to be resolved within six months from the date on which the corporation falls under subparagraph 6;

5. Where they have conducted false inspection services intentionally or by gross negligence;
6. Where they have failed to commence the services within one year from the date of designation as a designated business operator or have no results of operation for not less than one year consecutively without any justifiable reason;
7. Where they have charged inspection fees in excess of the standards under Article 60 (5).

Article 67 (Disposition of Imposition of Penalty Surcharges)

- (1) In cases where the Mayor/Do Governor is required to issue an order for the suspension of services because the Korea Transportation Safety Authority or a designated business operator who vicariously performs the close inspection services has fallen under any of subparagraphs 2, 3, and 5 through 7 of Article 66, if any of such cases of the disposition of the suspension of services is deemed to threaten any of considerable inconvenience to the users of such services, etc. or the services are deemed necessary for the public interest, the Mayor/Do Governor may impose a penalty surcharge in an amount not more than 50 million won in lieu of a disposition of the suspension of services.
- (2) In cases where a person who is liable for the payment of a penalty surcharge under paragraph (1) fails to make such payment by the payment deadline, it shall be collected pursuant to the precedents for the disposition of local taxes in arrears.
- (3) The penalty surcharges collected under paragraphs (1) and (2) shall become the revenues of the relevant City/Do on condition that it must be used for the purposes prescribed by Presidential Decree.
- (4) The amount of penalty surcharges according to the kind, degree, etc. of acts of violation subject to the imposition of penalty surcharge under paragraph (1) and other necessary matters shall be determined by Ordinance of the Ministry of Environment.

Article 68 (Designation of Automobile Maintenance Business Operator Specialized in Exhaust Gases, etc.)

- (1) The Mayor/Do Governor may designate automobile maintenance business operators specialized in exhaust gases from among automobile maintenance business operators under the Automobile Management Act to efficiently maintain and check automobiles in operation, which exceed the permissible emission level of exhaust gases.
- (2) An automobile maintenance business operator specialized in exhaust gases designated under paragraph (1) shall, when he/she has maintained an automobile which was determined unfit in the close inspection, issue a certificate of maintenance and checkup.
- (3) Automobile maintenance business operators specialized in exhaust gases and persons

engaged in the automobile maintenance services shall be prohibited from engaging in conduct falling under any of the following subparagraphs:

1. Allowing other persons to conduct the automobile maintenance services in their name;
 2. Issuing a certificate of maintenance and checkup by false and other illegal means;
 3. Other acts of violating the matters to be observed, as determined by Ordinance of the Ministry of Environment with respect to automobile maintenance services.
- (4) Matters necessary for the criteria for designation of automobile maintenance business operators specialized in exhaust gases under paragraph (1), procedure of designation, management, etc. shall be determined by Ordinance of the Ministry of Environment.

Article 69 (Revocation of Designation, etc.)

In cases where an automobile maintenance business operator specialized in exhaust gases under Article 68 (1) falls under any of the following subparagraphs, the Mayor/Do Governor may issue an order for the full or partial suspension of automobile maintenance services, fixing a period not exceeding six months, or may revoke such designation: Provided, That such business operator falls under subparagraph 1, the Mayor/Do Governor shall revoke such designation:

1. Where the automobile maintenance business operator specialized in exhaust gases has been designated by false or other unlawful means;
2. Where the automobile maintenance business operator specialized in exhaust gases has engaged in conduct prohibited under any subparagraph of Article 68 (3) or has failed to abide by matters to be observed;
3. Where the automobile maintenance business operator specialized in exhaust gases has failed to meet the criteria for designation determined by Ordinance of the Ministry of Environment under Article 68 (4);
4. Where the automobile maintenance business operator specialized in exhaust gases has conducted false automobile maintenance services intentionally or by gross negligence; and
5. Other cases where the automobile maintenance business operator specialized in exhaust gases has violated this Act, or orders or dispositions under this Act.

Article 70 (Order for Improvement of Automobiles in Operation)

- (1) In cases where exhaust gases from an automobile in operation are found to exceed the permissible emission level for automobiles in operation as a result of checkup under Article 61, the Seoul Metropolitan City Mayor, Metropolitan City Mayor, or head of Si/Gun/Gu may order the person who owns such automobile to improve it under

conditions prescribed by Ordinance of the Ministry of Environment. In such cases, an order for the suspension of the use of the automobile may be issued at the same time for the period required to make such improvement, limited to a maximum of ten days.

- (2) A person who has received an order for improvement under paragraph (1) shall obtain confirmation on the results of the improvement from a person registered under Article 71 (hereinafter referred to as a “confirming inspection agent”) under conditions prescribed by Ordinance of the Ministry of Environment.
- (3) A confirming inspection agent who confirmed the results of improvement under paragraph (2) shall file a report on the results of such confirmation with the Seoul Metropolitan City Mayor, Metropolitan City Mayor, or head of Si/Gun/Gu under conditions prescribed by Ordinance of the Ministry of Environment.

Article 71 (Registration of Confirming Inspection Agents)

- (1) Any person who intends to carry on services to confirm the results of the improvement of automobiles in operation under Article 70 (2) shall be equipped with technical capabilities, facilities, equipment, etc. determined by Ordinance of the Ministry of Environment and register his/her business with the head of Si/Gun/Gu. The same shall apply to cases where he/she intends to alter important matters prescribed by Ordinance of the Ministry of Environment from among registered matters.
- (2) Matters to be observed by confirming inspection agents, inspection fees and other necessary matters shall be determined by Ordinance of the Ministry of Environment.

Article 72 (Disqualifications of Confirming Inspection Agents)

Any person who falls under any of the following subparagraphs shall not be registered as a confirming inspection agent:

1. An incompetent or quasi-incompetent;
2. A person who has been adjudicated bankrupt and has not yet been reinstated;
3. A person who has been sentenced to imprisonment with prison labor or heavier punishment in violation of this Act and for whom two years have not elapsed since the execution of such punishment was terminated (including cases where the execution is considered to have been terminated) or exempted;
4. A person for whom two years have not elapsed since designation as a designated business operator has been revoked under Article 66;
5. A person for whom two years have not elapsed since the registration of a confirming

- inspection agent has been revoked under Article 73;
6. A corporation having an executive who falls under any of subparagraphs 1 through 5.

Article 73 (Revocation of Registration, etc.)

In cases where a confirming inspection agent falls under any of the following subparagraphs, the head of Si/Gun/Gu may revoke the registration thereof or issue an order for the suspension of services, fixing a period not exceeding six months: Provided, That in cases where such confirming inspection agent falls under subparagraph 1 or 2, the head of Si/Gun/Gu shall revoke the registration thereof:

1. Where the confirming inspection agent has fallen under any sub-paragraph of Article 72: Provided, That in cases of a corporation falling under subparagraph 6 of the same Article, it refers only to cases where the cause by which the confirming inspection agent has fallen under subparagraph 6 of the same Article fails to be resolved within six months from the date on which he/she fell under said provisions;
2. Where the confirming inspection agent has been registered by false or other unlawful means;
3. Where the confirming inspection agent has lent his/her certificate of registration to another person;
4. Where the confirming inspection agent was subject to the disposition of the suspension of services twice or more in one year;
5. Where the confirming inspection agent has conducted false inspection agent services intentionally or by gross negligence;
6. Where the confirming inspection agent has failed to commence the services within two years since registration or has no business results for not less than two consecutive years;
7. Where the confirming inspection agent has conducted the inspection agent services beyond the scope registered;
8. Where the confirming inspection agent fails to be equipped with the technical capabilities, facilities, equipment, etc. of confirming inspection agents under Article 71.

Article 74 (Inspection of Automobile Fuels, Additives or Catalysts)

- (1) Any person who intends to manufacture (including import; hereafter the same shall apply in this Article, Articles 75, 82 (1) 9, subparagraph 9 of Article 89 and subparagraph 10 of Article 91) automobile fuels, additives or catalysts shall meet the standards for manufacturing prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as the "standards for manufacturing"). <Amended by Act No.

9311, Dec. 31, 2008>

- (2) Any person who intends to manufacture automobile fuels, additives or catalysts shall undergo inspection by the Minister of Environment in advance to ascertain whether they meet the standards for manufacturing. <Newly Inserted by Act No. 9311, Dec. 31, 2008>
- (3) No person shall be permitted to supply, sell, or use automobile fuels, additives or catalysts as automobile fuels, additives or catalysts, which are determined not to be in conformity with the standards for manufacturing as a result of the inspection referred to in paragraph (2): Provided, That the same shall not apply to cases where a person prescribed by Ordinance of the Ministry of Environment, such as schools and research institutes, manufactures, supplies or uses for the purposes of tests or research. <Amended by Act No. 9311, Dec. 31, 2008>
- (4) The Minister of Environment may, when it is deemed that automobile fuels, additives or catalysts harm the environment or produce any byproduct very harmful to the human body, regulate the manufacture, sale or use as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 9311, Dec. 31, 2008>
- (5) Any person who intends to manufacture additives or catalysts shall affix a label to the additives or catalysts, which indicates that the additives or catalysts have been inspected and are in conformity with the standards for manufacturing referred to in paragraph (2), as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 9311, Dec. 31, 2008>
- (6) Any person who intends to undergo inspection under paragraph (2) shall pay a fee prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 9311, Dec. 31, 2008>
- (7) Methods of and procedures for inspection under paragraph (2) shall be prescribed by Presidential Decree. <Amended by Act No. 9311, Dec. 31, 2008>

Article 74-2 (Vicarious Execution of Affairs of Inspection)

- (1) The Minister of Environment may, if necessary for efficient performance of affairs of inspection under Article 74, designate a specialized institution to have it perform affairs of inspection on his/her behalf him/her.
- (2) An institution designated pursuant to paragraph (1) (hereinafter referred to as an “agency for inspection”) and any person who is in charge of affairs of inspection shall not engage in the following activities:
 1. Having another person perform affairs of inspection in its name;
 2. Performing affairs of inspection by deceit or other unjust means;

3. Violating matters to be observed, which are prescribed by Ordinance of the Ministry of Environment in connection with affairs of inspection;
 4. Performing affairs of inspection in violation of methods of and procedures for inspection under Article 74 (7).
- (3) Standards and procedures for designation of an agency for inspection, and other matters necessary for affairs of inspection shall be prescribed by Ordinance of the Ministry of Environment.
- [This Article Newly Inserted by Act No. 9311, Dec. 31, 2008]

Article 74-3 (Revocation of Designation of Agency for Inspection)

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

1. In cases where it has been designated by deceit or other unjust means;
2. In cases where it has committed any prohibited acts under the subparagraphs of Article 74-2 (2);
3. In cases where it has failed to meet the standards for designation under Article 74-2 (3).

[This Article Newly Inserted by Act No. 9311, Dec. 31, 2008]

Article 75 (Suspension of Manufacture, Supply and Sale of Automobile Fuels, Additives or Catalysts)

- (1) With respect to any person who fails to undergo an inspection or manufactures automobile fuels, additives or catalysts differently from the inspected matters in violation of Article 74 (2), the Minister of Environment may issue an order for the suspension of the manufacture thereof. <Amended by Act No. 9311, Dec. 31, 2008>
- (2) With respect to any person who, in violation of Article 74 (3), has supplied or sold automobile fuels, additives or catalysts which are determined not to be in conformity with the standards for manufacturing, the Minister of Environment may issue an order for the suspension of supply or sale. <Amended by Act No. 9311, Dec. 31, 2008>

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

- (1) The owner of a ship shall, when emitting air pollutants prescribed by Presidential Decree from among air pollutants emitted from the diesel engine of the ships under Article 23-5

- (1) of the Prevention of Marine Pollution Act, comply with the permissible emission levels set by Ordinance of the Ministry of Environment. <Amended by Act No. 8260, Jan. 19, 2007>
- (2) The Minister of Environment shall, when setting up the permissible emission levels referred to in paragraph (1), consult beforehand with the heads of relevant central administrative organs with regard thereto.
- (3) In order to determine whether the permissible emission levels referred to in paragraph (1) are observed, the Minister of Environment may, when it is deemed necessary, request the Minister of Land, Transport and Maritime Affairs to perform the inspections referred to in Article 24 (1) of the Prevention of Marine Pollution Act. <Amended by Act No. 8260, Jan. 19, 2007; Act No. 8852, Feb. 29, 2008>

CHAPTER V SUPPLEMENTARY PROVISIONS

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 under conditions 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 under conditions 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, in cases 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.

[This Article Newly Inserted by Act No. 9695, May 21, 2009]

Article 78 (Establishment, etc. of Automobile Environmental Association)

- (1) The Automobile Environmental Association (hereinafter referred to as the "Association") to perform the duties under Article 80 may be established to reduce damage to the human body and the environment caused by automobile exhaust gases.
- (2) The Association shall be a juristic person.
- (3) The Association shall obtain permission for its establishment from the Minister of Environment.
- (4) The provisions of the Civil Act pertaining to incorporated associations shall apply mutatis mutandis to the Association, except for those specially provided for in this Act.

Article 79 (Members)

Manufacturers of exhaust gas reduction devices, business operators manufacturing or replacing low-pollution engines, close inspection agents of exhaust gases and relevant experts may become members of the Association.

Article 80 (Duties)

The Association shall perform duties in each of the following subparagraphs under conditions prescribed by the articles of association:

1. Technology development to convert automobiles in operation into low-pollution automobiles and propagation of exhaust gas reduction devices;
2. Matters concerning the support of projects for the reduction of automobile exhaust gases and the ex post facto management thereof;
3. Inspection of exhaust gases from automobiles in operation and projects for research and development of maintenance technology;
4. Duties entrusted by the Minister of Environment or the Mayors/Do Governors;
5. Other matters necessary for the reduction of automobile exhaust gases.

Article 81 (Financial and Technical Support)

- (1) The State may provide local governments or business operators that undertake projects in each of the following subparagraphs with financial and technical support for improvement in the atmospheric environment:
 1. Projects necessary for the establishment and implementation of comprehensive plans as referred to in Article 11;
 2. Deleted; <by Act No. 9931, Jan. 13, 2010>
 3. Projects needed to ensure the observance of strict permissible emission levels and special permissible emission levels in special measures areas under Article 16 (5);
 4. Technical development for and research of close inspection under Article 63;
 5. Other projects deemed necessary by the Minister of Environment for improvement in the atmospheric environment.
- (2) The State may provide necessary financial support to corporations or groups related to protection and surveillance activities, damage prevention projects for the prevention of damage caused by yellow dust, and prevention of other damage caused by yellow dust.
- (3) Details of corporations and groups to be provided with financial support under paragraph (2) and the procedures, methods, etc. of financial support under paragraph (2) shall be determined by Presidential Decree.

Article 82 (Reports, Inspections, etc.)

- (1) The Minister of Environment may, in cases prescribed by Ordinance of the Ministry of Environment, order the following persons to make necessary reports or to submit data, and have relevant public officials (including employees of relevant professional institutions entrusted with the authority of the Minister of Environment under Article 87 (2)) enter relevant facilities, places of business, etc. to collect pollutants or inspect related documents, facilities, equipment, etc. in order to confirm whether the permissible emission levels under Article 16 or 46 (3) are observed, whether measuring devices under Article 32 are operating normally (in cases of employees of relevant professional institutions entrusted with the authority of the Minister of Environment under Article 87 (2), applicable only to matters under Article 32 (7)), and whether the test for certification under Article 48, vicarious execution of affairs of the test for certification under Article 48-2, affairs of inspection under Article 62, vicarious execution of affairs of inspection under Article 64, inspection under Article 74 and vicarious execution of affairs of inspection under Article 74-2 are properly performed: Provided, That with respect to persons falling under subparagraph 2 through 5, 7 or 8, the Minister of Environment or

the Mayor/Do Governor himself/herself shall conduct inspection: <Amended by Act No. 9311, Dec. 31, 2008>

1. A business operator;
 2. A person who supplies, sells or uses oil for which the sulfur content levels are determined under Article 41 (1);
 3. A person who is banned from manufacturing, selling or using fuels under Article 42;
 4. A person who has filed a report on a dust-scattering business under Article 43 (1);
 5. A person who installs facilities emitting volatile organic compounds under Article 44;
 6. An automobile manufacturer under Article 46;
 - 6-2. A person who has been designated as a testing agency for certification pursuant to Article 48-2 (1);
 7. A person who performs regular inspection services or vicariously performs close inspection services under Articles 62 (2) and 64 (1);
 8. A confirming inspection agent who has registered pursuant to Article 71 (1);
 9. A person who manufactures, supplies or sells automobile fuels, additives or catalysts pursuant to Article 74;
 10. A person who has been designated as an agency for inspection pursuant to Article 74-2;
 11. A person who is entrusted with the duties of the Minister of Environment under Article 87 (2).
- (2) The Minister of Environment shall, when he/she has collected pollutants to confirm whether the permissible emission levels are observed under paragraph (1), entrust an inspection institution prescribed by Ordinance of the Ministry of Environment with the inspection of the degree of pollution thereof: Provided, That the same shall not apply to cases where it is possible to determine on the spot whether the permissible emission levels are exceeded, and prescribed by Ordinance of the Ministry of Environment.
- (3) A public official who enters and conducts inspections under paragraph (1), shall carry a certificate indicating his/her competence and produce it to the relevant persons.

Article 83 (Cooperation with Related Organs)

The Minister of Environment may, when he/she deems necessary for the fulfillment of the purposes of this Act, request the heads of relevant central administrative organs, or the Mayors/Do Governors to take measures in each of the following subparagraphs. In such cases, the heads of relevant central administrative organs, or the Mayors/Do Governors shall comply with such requests unless they have any special reason not to do so: <Amended by

Act No. 9695, May 21, 2009>

1. Improvement of heating systems;
2. Alteration or replacement of automobile engines;
3. Restriction on the life span of automobiles;
4. Restriction on the traffic of automobiles;
5. Measures for the prevention of damage caused by yellow dust;
6. Computer data on the registration, inspection, specifications, performance, etc. of automobiles, which are necessary for the electronic data processing of close inspection services;
7. Policies for spreading ecofriendly driving culture;
8. Other matters determined 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 determined by Ordinance of the Ministry of Environment.

Article 85 (Hearings)

The Minister of Environment, the Mayor/Do Governor, or the head of a Si/Gun/Gu who intends to take measures in any of the following sub-paragraphs shall hold a public hearing:
<Amended by Act No. 9311, Dec. 31, 2008>

1. For orders to revoke permission or close emission facilities under Articles 36 (1) or 38;
2. For orders to prohibit the supply, sale or use of fuels under Article 41 (4);
3. For orders to prohibit the manufacture, sale or use of fuels under Article 42;
- 3-2. For revocation of designation as a testing agency for certification under Article 48-3;
4. For orders to correct defects under Article 51 (4) or (6);
5. For revocation of certification under Article 55;
6. For revocation of designation of designated business operators under Article 66;
7. For revocation of registration of confirming inspection agents under Article 73;
8. For revocation of designation as an agency for inspection under Article 74-3.

Article 86 (Fees)

Any person who intends to obtain permission for installation or permission for alteration in connection with the installation or alteration of emission facilities or make a report on installation or report on alteration under Article 23 shall pay fees under conditions prescribed by Ordinance of the Ministry of Environment.

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 head of the Environment Institute under the umbrella of the Ministry of Environment, or the head of a local environmental government office under conditions prescribed by Presidential Decree.
- (2) The Minister of Environment may entrust part of his/her duties under this Act to relevant professional institutions under conditions prescribed by Presidential Decree.

Article 88 (Legal Fiction as Public Official in Applying Penal Provisions)

For the purposes of the penal provisions under Articles 129 through 132 of the Criminal Act, persons engaged in close inspection services under Article 64 (1) and the executives and employees of corporations or groups engaged in the duties entrusted under Article 87 (2) shall be deemed public officials.

CHAPTER VI PENAL PROVISIONS

Article 89 (Penal Provisions)

Any person who falls under any of the following subparagraphs 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>

1. Any person who has established or altered emission facilities, or has run any business using such emission facilities without obtaining permission for installation or permission for alteration under Article 23 (1) or (2), or obtaining such permissions by false means;
2. Any person who has installed and operated emission facilities without installing preventive facilities under Article 26 (1) (main sentence) or (2);
3. Any person who has committed an act falling under Article 31 (1) 1 or 5;
4. Any person who has violated an order for the suspension of operation under Article 34 (1) or has failed to carry out an order to take measures under paragraph (2) of the same Article;
5. Any person who has violated an order for the closure or suspension of operation of emission facilities under Article 36;
6. Any person who has manufactured automobiles contrary to permissible emission levels for manufactured automobiles in contravention of Article 46;
7. Any person who has manufactured automobiles without obtaining certification in

contravention of Article 48 (1);

8. Any person who has manufactured, supplied or sold exhaust gas reduction devices and low-pollution engines without obtaining certification or certification for alteration in violation of Article 60;
9. Any person who has manufactured automobile fuels, additives or catalysts contrary to the standards for manufacturing in violation of Article 74 (1);
10. Any person who has failed to undergo inspection of automobile fuels, additives or catalysts in violation of Article 74 (2);
11. Any person who has supplied or sold automobile fuels in violation of the main sentence of Article 74 (3);
12. Any person who has violated an order for the suspension of manufacture, supply and sale under Article 75.

Article 90 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than five years, or by a fine not exceeding thirty million won: <Amended by Act No. 9311, Dec. 31, 2008>

1. Any person who has installed or altered emission facilities, or has run any business using such facilities without making a report on installation under Article 23 (1), or making such reports falsely;
2. Any person who has committed an act falling under Article 31 (1) 2;
3. Any person who has failed to take measures, including the installation of measuring devices, under Article 32 (1);
4. Any person who has committed an act falling under Article 32 (3) 1 or 3;
5. Any person who has violated orders, such as an order to take measures to impose restrictions on the use of fuels, under Article 41 (4);
6. Any person who has failed to carry out an order to take measures for the improvement of facilities under Article 44 (7) (including cases to which the said provisions shall apply mutatis mutandis under Article 45 (5));
7. Any person who has violated an order for the correction of defects under Article 51 (4) (main sentence) or (6), or 53 (3);
8. Any person who has violated an obligation to correct defects under the main sentence of Article 53 (2);
9. Any person who has performed close inspection services, pretending to be a designated business operator under Article 64 (1);

10. Any person who has performed relevant automobile maintenance services without being designated as an automobile maintenance business operator specialized in exhaust gases in violation of Article 68 (1);
11. Any person who has supplied or sold additives or catalysts in violation of the main sentence of Article 74 (3).

Article 91 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won:
<Amended by Act No. 9311, Dec. 31, 2008>

1. Any person who has started operation without filing a report in contravention of Article 30;
2. Any person who has violated an order for suspension of operation under Article 32 (6);
3. Any person who has violated orders, such as an order for restrictions on use, under Article 43 (3);
4. Any person who has manufactured automobiles without obtaining certification for alteration under Article 48 (2);
- 4-2. Any person who has committed any acts prohibited under Article 48-2 (2) 1 or 2;
5. Any person who, in violation of Article 64 (2), has committed an act falling under any subparagraph of the same paragraph;
6. Any person who has violated an order for the suspension of services under Article 66;
7. Any person who has committed any acts prohibited under Article 68 (3) 1 or 2;
8. Any person who has violated an order for the suspension of services under Article 69;
9. Any person who has used automobile fuels in contravention of the main sentence of Article 74 (3);
10. Any person who has manufactured or sold automobile fuels, additives or catalysts in violation of the regulations under Article 74 (4);
11. Any person who has failed to affix labels indicating the completion of inspection or affixed false labels in violation of Article 74 (5);
12. Any person who has committed any acts prohibited under Article 74-2 (2) 1 or 2.

Article 92 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by a fine not exceeding three million won:

1. Any person who has violated an order under Article 8 (3) without any justifiable reason;
2. Any person who has failed to carry out an order to take measures under Article 32 (5);

3. Any person who has failed to appoint an environmental engineer, or has failed to file a report on the appointment (including the appointment by replacement) of an environmental engineer in contravention of Article 40 (1);
4. Any person who has violated orders, such as an order to take measures to restrict the use of fuels, under Article 42;
5. Any person who has failed to install facilities to retard dust-scattering or has failed to take necessary measures in violation of Article 43 (1): Provided, That persons who have transported powder-phase materials of cement, coal, earth and sand, fodder, grain and steel scrap shall be excluded;
6. Any person who has failed to carry out an order for the installation of facilities to retard dustscattering, order to take measures or order for improvement, in violation of Article 43 (2);
7. Any person who has installed or operated facilities without filing a report under Article 44 (1), or 45 (1) or (2);
8. Any person who has failed to take measures under Article 44 (3);
9. Any person who has failed to carry out an order for conversion into low-pollution automobiles, installation of exhaust gas reduction devices, or conversion into or replacement with low-pollution engines under Article 58 (1);
10. Any person who has refused, evaded or interfered with any checkup in violation of Article 61 (2);
11. Any person who has failed to carry out an order for inspection under Article 63 (3);
12. Any person who has received an order for improvement or suspension of use under Article 70 (1) and has failed to comply therewith;
13. Any person who has rejected, interfered with or evaded entrance or inspection by competent public officials under Article 82 (1).

Article 93 (Penal Provisions)

Any person who has interfered with the work of environmental engineers under Article 40 (4) or has rejected the request of environmental engineers without justifiable grounds shall be punished by a fine not exceeding two million won.

Article 94 (Fines for Negligence)

- (1) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding two million won: <Amended by Act No. 9311, Dec. 31, 2008>

1. Any person who has committed an act referred to in Article 31 (1) 3 or 4;
 2. Any person who has failed to keep records on the state of operation of emission facilities, etc., or has compiled false records in contravention of Article 31 (2);
 3. Any person who has committed an act falling under Article 32 (3) 2;
 4. Any person who has failed to observe management and operations standards in contravention of Article 32 (4);
 5. Any person who has failed to measure pollutants, has failed to record or keep the results of measurement, or has compiled or kept false records in violation of Article 39 (1);
 6. Any person who has supplied, sold or used fuels exceeding the sulfur content levels in contravention of the main sentence of Article 41 (3);
 7. Any person who has transported powderphase materials, such as cement, coal, soil and sand, without installing facilities to retard dustscattering or taking necessary measures under Article 43 (1);
 8. Any person who has failed to file a report on alteration of facilities emitting volatile organic compounds under Article 44 (2) or 45 (3);
 9. Any person who has failed to make a report on the results of correction of defects under Article 51 (5) (including cases to which the said provisions shall apply mutatis mutandis under Article 53 (4));
 10. Any person who has failed to report on the current status of correction of defects and current status of defective parts under Article 53 (1);
 11. Any person who has failed to abide by matters to be observed under Article 64 (3);
 12. Any person who has failed to abide by matters to be observed under Article 68 (3) 3; and
 13. Any person who has knowingly used catalysts not meeting the standards for manufacturing in violation of Article 74 (3).
- (2) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won:
1. Any person who has failed to file a report on alteration under Article 23 (2) or (3);
 2. Any person who has failed to comply with the matters to be observed by environmental engineers under Article 40 (2);
 3. Any person who has failed to file a report on installation or report on alteration under Article 43 (1);
 4. An automobile owner who has violated Article 57;
 5. An automobile driver who has violated the restrictions on the running of automobile engines under Article 59;
 6. Any person who has failed to undergo a close inspection in contravention of Article 63 (1);

7. Any person who has failed to have the results of improvement confirmed or has failed to make a report on the results of confirmation in violation of Article 70 (2) or (3);
 8. Any person who has failed to get environmental engineers, etc. to receive training in contravention of Article 77;
 9. Any person who has failed to file a report under Article 82 (1), has made a false report, has failed to submit data, or has submitted false data.
- (3) Fines for negligence as referred to in paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment, the Mayor/Do Governor, or the head of Si/Gun/Gu under conditions prescribed by Presidential Decree.
- (4) through (6) Deleted. <by Act No. 9311, Dec. 31, 2008>

Article 95 (Joint Penal Provisions)

If the representative of a juristic person, or an agent, an employee, other employed person of a juristic person or an individual commits an offense falling under any of Articles 89 through 93 in connection with affairs of the juristic person or individual, not only shall such offender be punished, but the juristic person or individual shall also be punished by a fine under the corresponding provisions: Provided, That this shall not apply in cases where the juristic person or individual has not neglected to give a reasonable attention to and to supervise the relevant affairs in order to prevent such offense.

[This Article Wholly Amended by Act No. 9311, Dec. 31, 2008]

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 on which the part concerning small diesel engines (referring only to diesel engines falling under the range from 130 kilowatts to 294 kilowatts) 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 former 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-pollution 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 automobile 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 former 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 automobiles in operation under the former 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 Preventive Facilities Businesses)

A person who has made a registration or registration of alteration of preventive facilities

under Article 47 or 49 of the former 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 preventive 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 former 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 standards for manufacturing under the former 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 by administrative organs or acts in relation to administrative organs under the former provisions at the time when this Act enters into force shall be considered acts by administrative organs or acts in relation to administrative organs under the corresponding provisions of this Act.

Article 12 (Transitional Measures for Penal Provisions or Fines for Negligence)

For the purposes of provisions pertaining to penalties or fines for negligence 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)

In cases where other Acts and subordinate statutes have cited the former 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 former provisions.

ADDENDA <Act No. 8260, Jan. 19, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 24 Omitted.

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 automobile 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)

In cases where an automobile 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 automobiles 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.