

INTEGRATED ENERGY SUPPLY ACT

Act No. 4425, Dec. 14, 1991
Amended by Act No. 4508, Dec. 2, 1992
Act No. 4541, Mar. 6, 1993
Act No. 4781, Aug. 3, 1994
Act No. 5453, Dec. 13, 1997
Act No. 5454, Dec. 13, 1997
Act No. 5831, Feb. 8, 1999
Act No. 6283, Dec. 23, 2000
Act No. 6601, Jan. 14, 2002
Act No. 6627, Jan. 26, 2002
Act No. 6656, Feb. 4, 2002
Act No. 7428, Mar. 31, 2005
Act No. 7476, Mar. 31, 2005
Act No. 7510, May 26, 2005
Act No. 7999, Sep. 27, 2006
Act No. 8014, Sep. 27, 2006
Act No. 8351, Apr. 11, 2007
Act No. 8352, Apr. 11, 2007
Act No. 8370, Apr. 11, 2007
Act No. 8371, Apr. 11, 2007
Act No. 8404, Apr. 27, 2007
Act No. 8487, May 25, 2007
Act No. 8635, Aug. 3, 2007
Act No. 8733, Dec. 21, 2007
Act No. 8819, Dec. 27, 2007
Act No. 8820, Dec. 27, 2007
Act No. 8852, Feb. 29, 2008
Act No. 8863, Feb. 29, 2008
Act No. 8976, Mar. 21, 2008
Act No. 9248, Dec. 26, 2008
Act No. 9313, Dec. 31, 2008
Act No. 9758, Jun. 9, 2009
Act No. 9933, Jan. 18, 2010
Act No. 10219, Mar. 31, 2010
Act No. 10272, Apr. 15, 2010

CHAPTER I | GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to actively cope with the United Nations Framework Convention on Climate Change and to contribute to energy conservation and enhancement of the

convenience in the life of the people by expanding the integrated energy supply, operating the integrated energy supply reasonably, and prescribing the matters concerning the construction, operation and safety of integrated energy facilities.

[This Article Wholly Amended by Act No. 9933, Jan, 18, 2010]

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term “integrated energy” means heat or heat and electricity supplied to a large number of users;
2. The term “business” means a business which supplies integrated energy and meets the standards prescribed by Presidential Decree;
3. The term “business operator” means any person who has obtained a business license under Article 9;
4. The term “user” means any person who uses integrated energy supplied by a business operator (including any person who intends to be supplied with integrated energy);
5. The term “integrated energy facilities” means facilities for the production, transportation, distribution, or use of integrated energy, including facilities for supply and facilities for use;
6. The term “facilities for supply” means facilities for the production, transportation, or distribution of integrated energy under the control of a business operator;
7. The term “facilities for use” means facilities for the use of integrated energy under the control of a user;
8. The term “heat producer” means any person who produces or generates heat.

[This Article Wholly Amended by Act No. 9933, Jan, 18, 2010]

CHAPTER II INTEGRATED ENERGY SUPPLY

Article 3 (Master Plan for Integrated Energy Supply)

- (1) The Minister of Knowledge Economy shall develop and publicly announce a master plan for integrated energy supply (hereinafter referred to as “master plan”) every five years as prescribed by Presidential Decree. Where he/she has modified the mater plan, he/she shall also notify it publicly.
- (2) Matters referred to in the following subparagraphs shall be included in a master plan pursuant to paragraph (1):

1. A medium- and long-term plan concerning integrated energy supply;
 2. Subject matter of and standards for integrated energy supply;
 3. Targets for energy conservation and for reduction in the amount of emission of air pollutants according to integrated energy supply;
 4. Other matters deemed necessary concerning integrated energy supply.
- (3) Where the Minister of Knowledge Economy intends to formulate or modify a master plan, he/she shall consult in advance with the head of the relevant central administrative agency.

[This Article Wholly Amended by Act No. 9933, Jan, 18, 2010]

Article 4 (Consultation on Integrated Energy Supply)

If the head of a central administrative agency, local government, public corporation (hereinafter referred to as "public corporation") pursuant to Article 5 of the Act on the Management of Public Institutions or public organization intends to formulate a plan of a housing construction project, housing site development project, industrial complex development project and other projects prescribed by Presidential Decree (hereinafter referred to as "development project"), he/she shall consult with the Minister of Knowledge Economy about the appropriateness of integrated energy supply, as prescribed by Ordinance of the Ministry of Knowledge Economy. The same shall also apply to cases where he/she intends to modify the plan.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 5 (Designation of Districts to be Supplied with Integrated Energy)

- (1) In cases of any of the following subparagraphs, the Minister of Knowledge Economy shall designate and publicly announce districts to be supplied with integrated energy (hereinafter referred to as "area to be supplied"), as prescribed by Presidential Decree. The same shall also apply to cases where he/she has changed the matters announced:
1. Where it is necessary to carry out a master plan;
 2. Where, as a result of consultation pursuant to Article 4, it is deemed appropriate to supply integrated energy;
 3. Where it is deemed necessary to designate an area to be supplied.
- (2) Where the Minister of Knowledge Economy intends to designate an area to be supplied pursuant to paragraph (1), he/she shall publicly announce the important matter regarding designation of an area to be supplied for not less than 30 days in advance and hear opinions of the interested parties, such as the residents of the relevant area, and of a

person who executes a development project and consult with the head of the relevant central administrative agency and the Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor or the Governor of a Special Self-Governing Province (hereinafter referred to as the "Mayor/Do Governor"). The same shall also apply to cases where he/she changes matters consulted upon after designating an area to be supplied: Provided, That this shall not apply to cases where he/she changes minor matters prescribed by Presidential Decree.

- (3) Any person who intends to supply integrated energy to a specific district may apply for designation of an area to be supplied to the Minister of Knowledge Economy as stipulated by Ordinance of the Ministry of Knowledge Economy. In such cases, the Minister of Knowledge Economy shall examine whether it falls under any of the subparagraphs of paragraph (1) and notify an applicant of the result within the period stipulated by Ordinance of the Ministry of Knowledge Economy.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 6 (Permit for New Establishment of Heat Production Facilities)

- (1) Any person who intends to newly establish, re-establish, or extend heat production facilities, such as boilers, at standards higher than those prescribed by Presidential Decree in an area to be supplied shall obtain a permit from the Minister of Knowledge Economy.
- (2) Where any person who has obtained a permit pursuant to paragraph (1) changes the matters permitted, he/she shall obtain an amended permit from the Minister of Knowledge Economy: Provided, That this shall not apply to any change in minor matters prescribed by Presidential Decree.
- (3) Where an application for new construction, etc. of heat production facilities pursuant to paragraph (1) or an application for amended permit pursuant to paragraph (2) is made, if such application falls under any of the following subparagraphs, the Minister of Knowledge Economy shall grant a permit:
 1. Where the demand for integrated energy in an area to be supplied exceeds the supply volume;
 2. Where separate air conditioning facilities or steam generating facilities (limited to the relevant facilities) are required due to the nature of uses of buildings other than housing in an area to be supplied where a district air conditioning and heating project is implemented;
 3. Where an applicant for a permit or an amended permit is not stably supplied with

integrated energy by a business operator.

- (4) The Minister of Knowledge Economy may order any person who has newly constructed, reconstructed, or extended heat production facilities in an area to be supplied without obtaining a permit or an amended permit pursuant to paragraph (1) or (2) to reinstate them.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 7 Deleted. <by Act No. 5831, Feb. 8, 1999>

Article 8 (Subsidization)

- (1) The State or a local government may provide subsidies to a business operator in order to expand integrated energy supply.
- (2) Any person who carries out a development project shall provide support in securing building sites or such, necessary for a business operator to conduct business in an area to be supplied, as prescribed by Presidential Decree.
- (3) Where the State or a local government provides subsidies pursuant to paragraph (1), it may preferentially subsidize any business operator who uses natural gas (including liquefied natural gas) or new or renewable energy pursuant to subparagraph 1 of Article 2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy as fuel.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

CHAPTER III BUSINESS LICENSE

Article 9 (Business License)

- (1) Any person who intends to conduct business shall obtain a license from the Minister of Knowledge Economy for each supplied district. The same shall also apply to cases where he/she changes permitted matters prescribed by Ordinance of the Ministry of Knowledge Economy.
- (2) The criteria for licensing pursuant to paragraph (1) shall be as follows:
1. The commencement of business shall meet the general demand and contribute to the public good, such as energy conservation, or environmental improvements;
 2. The supplied volume shall meet the demand in a supplied district;
 3. An applicant shall have financial resources and technical ability necessary for

conducting business;

4. A supplied district shall not overlap with a supplied district of another business operator.

(3) Procedures for licensing pursuant to paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Knowledge Economy.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 10 (Grounds for Disqualification)

A person who falls under any of the following subparagraphs may not obtain a business license:

1. An incompetent or quasi-incompetent;
2. A person who has been declared bankrupt and has not been reinstated;
3. A person in whose case two years have not passed since his/her license was cancelled pursuant to Article 15;
4. A person in whose case two years have not passed since his/her sentence of imprisonment for a violation of this Act, the Energy Use Rationalization Act, or the Electric Utility Act was completely executed (including cases where the execution thereof is deemed to have been completed) or exempted;
5. A person who is under the suspension of the execution of sentence of imprisonment for a violation of this Act, the Energy Use Rationalization Act, or the Electric Utility Act;
6. A corporation which has an executive falling under any of the subparagraphs 1 through 5.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 11 (Construction of Supply Facilities and Commencement of Business)

(1) Any business operator shall construct supply facilities and commence business within a period determined by the Minister of Knowledge Economy. In such cases, the Minister of Knowledge Economy may determine such period for each supplied district or each supply facilities.

(2) Where the Minister of Knowledge Economy receives an application for extension of a period under paragraph (1) from a business operator, he/she may extend the period if he/she deems that such application has justifiable grounds.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 12 (Succession to Business)

(1) Any person who falls under any of the following subparagraphs shall succeed to the

status of the preceding business operator:

1. Where a business operator dies, his/her heir;
 2. Where a business operator transfers the whole or a part of his/her business, the transferee thereof;
 3. Where a business operator who is a corporation merges, a corporation which survives the merger or a corporation which is incorporated by the merger.
- (2) Any person who acquires the whole of supply facilities in accordance with procedures falling under any of the following subparagraphs shall succeed to the status of the preceding business operator: <Amended by Act No. 10219, Mar. 31, 2010>
1. Auction under the Civil Execution Act;
 2. Realization under the Debtor Rehabilitation and Bankruptcy Act;
 3. Sale of property under distraint under the National Tax Collection Act, the Customs Act or the Framework Act on Local Taxes;
 4. Other procedures corresponding to subparagraphs 1 through 3.
- (3) Any person who succeeds to the status of a business operator pursuant to paragraphs (1) and (2) shall report to the Minister of Knowledge Economy within 30 days, as prescribed by Ordinance of the Ministry of Knowledge Economy.
- (4) Article 10 shall apply mutatis mutandis to grounds for disqualification of a successor pursuant to paragraph (1).

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 13 Deleted. <by Act No. 5831, Feb. 8, 1999>

Article 14 (Suspension and Closure of Business and Dissolution of Corporations)

- (1) Where a business operator intends to suspend or close the whole or part of his/her business, he/she shall obtain permission from the Minister of Knowledge Economy.
- (2) A resolution of dissolution of a corporate business operator or the consent of all the partners on dissolution thereof shall not enter into force without obtaining authorization from the Minister of Knowledge Economy.
- (3) Where any business operator who has suspended his/her business with permission pursuant to paragraph (1) resumes his/her business, he/she shall report to the Minister of Knowledge Economy.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 15 (Cancellation of Business License)

- (1) Where a business operator falls under any of the following subparagraphs, the Minister of Knowledge Economy may cancel his/her license or order him/her to suspend his/her business for a fixed period not exceeding six months:
 1. In cases where he/she obtains a license or an amended license pursuant to Article 9 by fraud or other wrongful means;
 2. In cases where he/she falls under any grounds for disqualification referred to in the subparagraphs of Article 10;
 3. In cases where he/she fails to construct supply facilities or commence business within the period pursuant to Article 11 (1) or the period extended pursuant to paragraph (2) of the same Article;
 4. In cases where he/she refuses to supply integrated energy without justifiable grounds, in violation of Article 16 (1);
 5. In cases where he/she fails to execute an order to improve the business operation method, etc., pursuant to Article 20;
 6. In cases where he/she fails to execute an order to improve or change, or to suspend or restrict the use of, integrated energy facilities or an order to suspend the supply of integrated energy pursuant to Article 26 (2).
- (2) In cases of any of the following subparagraphs, paragraph (1) shall not apply until six months after a corporation falls under subparagraph 6 of Article 10 or until six months after the succession commences:
 1. In cases where a corporation falls under subparagraph 6 of Article 10;
 2. In cases where an heir who succeeds to the status of a business operator falls under any of subparagraphs 1 through 5 of Article 10.
- (3) Where the Minister of Knowledge Economy should order a business operator to suspend his/her business because he/she falls under any of the subparagraphs of paragraph (1), if such suspension of business is likely to cause serious inconvenience to users or to harm public interests, the Minister of Knowledge Economy may impose and collect a penalty surcharge not exceeding 20 million won in lieu of suspension of business.
- (4) Kinds of offenses subject to the imposition of a penalty surcharge pursuant to paragraph (3), the amount of a penalty surcharge according to the extent of violation, and other necessary matters shall be prescribed by Ordinance of the Ministry of Knowledge Economy.
- (5) Where any person who ought to pay a penalty surcharge pursuant to paragraph (3) fails to pay it by the deadline for payment, the Minister of Knowledge Economy shall collect it

in the same manner as national taxes in arrears are collected: Provided, That where the authority referred to in paragraph (1) is delegated to the Mayor/Do Governor, the Mayor/Do Governor shall collect it in the same manner as local taxes in arrears are collected.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

CHAPTER IV SUPPLY REGULATIONS

Article 16 (Supply Obligations)

- (1) No business operator shall refuse to supply integrated energy for users in a supplied district, for which he/she has obtained a license, without justifiable grounds.
- (2) In cases where a heat producer has entered into a supply contract with a business operator pursuant to Article 19, he/she shall not refuse to supply heat without justifiable grounds.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 17 (Supply Regulations)

- (1) A business operator shall formulate supply regulations on charges and other terms and conditions of supply as prescribed by Ordinance of the Ministry of Knowledge Economy and report them to the Minister of Knowledge Economy, and the same shall also apply to cases where he/she intends to modify them. In such cases, where he/she has obtained approval of, or approval for modification of, the electricity supply clauses from the Minister of Knowledge Economy under Article 16 of the Electric Utility Act, he/she shall be deemed to have reported the matters related to electricity supply in the supply regulations or to have reported any modification of such matters.
- (2) Where a business operator reports the supply regulations or reports the modification thereof pursuant to paragraph (1), he/she shall not exceed the upper limit of charges designated and announced by the Minister of Knowledge Economy, as prescribed by Presidential Decree.
- (3) Where a business operator has reported the supply regulations or reported the modification thereof pursuant to paragraph (1), he/she shall advise the users of the point in writing without delay and announce it in his/her Internet homepage.
- (4) A business operator shall supply integrated energy pursuant to the supply regulations which he/she has reported or of which he/she has reported any modification pursuant to paragraph (1).

- (5) Users shall conform to the supply regulations which a business operator has reported or of which he/she has reported any modification pursuant to paragraph (1).

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 18 (Charges for Construction Costs)

- (1) A business operator may have the users bear the whole or part of construction costs for supply facilities.

- (2) Matters necessary for the basis of the calculation of charges, methods of imposition and collection, etc., under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 19 (Terms of Supply of Heat Producers)

- (1) Where a heat producer intends to supply a business operator with heat, he/she shall conclude a supply contract on charges and other terms of supply, as prescribed by Ordinance of the Ministry of Knowledge Economy.

- (2) A heat producer shall supply heat according to a supply contract pursuant to paragraph (1).

- (3) Where a heat producer or business operator fails to enter into a supply contract pursuant to paragraph (1), he/she may request the Minister of Knowledge Economy to mediate between a heat producer and business operator.

- (4) Where the Minister of Knowledge Economy receives a request for mediation pursuant to paragraph (3), he/she shall notify the other party concerned thereof and provide him/her with an opportunity to submit a written opinion within a fixed period.

- (5) Where a period pursuant to paragraph (4) expires, the Minister of Knowledge Economy shall prepare a mediation plan and recommend the parties concerned to accept the same.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 20 (Order to Improve Business Operation Method, etc.)

In case of any of the following subparagraphs, the Minister of Knowledge Economy may order a business operator to improve the business operation method, etc.:

1. Despite the fact that the supply of integrated energy is hindered by an accident, where he/she fails to make necessary repairs or take other measures to remove such obstacle;
2. Where it is feared that the development of a housing site or industrial complex might be hindered because he/she has failed to construct supply facilities and commence business within the period determined by the Minister of Knowledge Economy pursuant to Article 11;
3. Where he/she supplies integrated energy at a rate exceeding the upper limit of charges

announced by the Minister of Knowledge Economy pursuant to Article 17 (2);

4. Where he/she has users bear all or part of construction costs borne by them pursuant to Article 18 in excess of the standards prescribed by the supply regulations referred to in Article 17;
5. Where he/she fails to undergo an inspection of supply facilities pursuant to Article 23 or to conduct a self-inspection;
6. Where it is deemed that a method, etc., of the supply of integrated energy harms the convenience of users, in violation of this Act.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 20-2 (Accounting)

- (1) A business year of a business operator shall be from January 1 through December 31 every year.
- (2) The accounting standards determined by the Financial Services Commission pursuant to Article 13 of the Act on External Audit of Stock Companies shall apply to accounting of a business operator (excluding cases where a business operator is a local government).
- (3) In cases where a business operator concurrently conducts a business other than a business pursuant to subparagraph 2 of Article 2, he/she shall conduct a separate accounting of each business unit.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 20-3 (Accumulation of Construction Costs of Supply Facilities)

- (1) Any person prescribed by Ordinance of the Ministry of Knowledge Economy from among the business operators who have the users bear all or part of construction costs of supply facilities pursuant to Article 18 shall accumulate an amount equivalent to the depreciation cost of the supply facilities acquired with the amount borne by users (excluding any amount that are taxes and the public utilities' charges pursuant to Article 21 of the Corporate Tax and are generated because the users bearing all or part of construction costs of supply facilities; hereinafter the same shall apply) each year as construction costs of supply facilities from among the unappropriated earned surplus generated in the business year.
- (2) Necessary matters concerning the method of accumulation of the accumulated money pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Knowledge Economy.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 21 (Technical Standards)

The Minister of Knowledge Economy shall determine and publicly announce the technical standards necessary for the construction and operation of integrated energy facilities (hereinafter referred to as “technical standards”). The same shall also apply to cases where he/she amends them.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 22 (Approval of Construction Plan)

(1) Where a business operator performs works for the construction or alteration of supply facilities prescribed by Ordinance of the Ministry of Knowledge Economy, except as otherwise provided for in Article 48 of the Occupational Safety and Health Act, he/she shall obtain approval of the construction plan from the Minister of Knowledge Economy within a period determined by the Minister of Knowledge Economy. The same shall also apply to cases where he/she intends to change it.

(2) Where a business operator has performed construction works referred to in paragraph (1) that are minor construction works prescribed by Ordinance of the Ministry of Knowledge Economy, disaster restoration works, or other urgent works, he/she shall report to the Minister of Knowledge Economy, as prescribed by Ordinance of the Ministry of Knowledge Economy.

(3) The standards for approval pursuant to paragraph (1) shall be as follows:

1. A work plan shall conform to the matters for which a license or an amended license has been issued under Article 9;
2. Supply facilities shall meet the technical standards.

(4) Article 11 (2) shall apply mutatis mutandis to the extension of a period provided for in paragraph (1).

(5) Procedures for approval under paragraph (1) and reporting under paragraph (2) and other necessary matters shall be prescribed by Ordinance of the Ministry of Knowledge Economy.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 23 (Inspection)

(1) Where a business operator has performed construction works for the construction or alteration of supply facilities, he/she shall use them after he/she has passed an inspection

by the Minister of Knowledge Economy on each process of such construction work, as prescribed by Ordinance of the Ministry of Knowledge Economy: Provided, That he/she may use supply facilities prescribed by Ordinance of the Ministry of Knowledge Economy after he/she has conducted a self-inspection thereof, as prescribed by Ordinance of the Ministry of Knowledge Economy.

- (2) Where the Minister of Knowledge Economy deems that there is no obstacle to safety and it is necessary to use supply facilities temporarily, notwithstanding paragraphs (1), he/she may allow a business operator to use the facilities temporarily, fixing a period and method of use.
- (3) A business operator shall go through a regular inspection on supply facilities of the Minister of Knowledge Economy, as prescribed by Ordinance of the Ministry of Knowledge Economy.
- (4) The Minister of Knowledge Economy shall, without delay, issue an inspection certificate specifying the term of validity of inspection to a business operator who has passed the inspection pursuant to paragraph (1) or (3).
- (5) Where a business operator has conducted his/her own inspection pursuant to the proviso to paragraph (1), he/she shall submit the records thereof to the Minister of Knowledge Economy, as prescribed by Ordinance of the Ministry of Knowledge Economy.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 24 (Confirmation and Checkups)

- (1) In case of any of the following subparagraphs, the Minister of Knowledge Economy may have public officials under his/her control gain access to a place of business of a business operator to confirm and check the supply facilities or other things related to safety management;
 1. Where it is necessary to ascertain whether there are any grounds to order the improvement in the business operation method, etc., pursuant to Article 20;
 2. Where it is necessary to ascertain whether supply facilities meet the technical standards of integrated energy facilities pursuant to Article 21;
 3. Where it is necessary to judge whether to permit temporary use of supply facilities pursuant to Article 23 (2);
 4. Where it is necessary to ascertain whether there are any grounds to order the improvement or replacement, suspension of or restriction on use of integrated energy facilities, or the suspension of supply pursuant to Article 26 (2);
 5. Where it is necessary for the safety management of supply facilities pursuant to this Act.

- (2) In cases falling under any of the following subparagraphs, the Minister of Knowledge Economy may have public officials under his/her control reaccess to a place where facilities for use are installed to confirm and check them: Provided, That where a place where facilities for use are installed is used for residential purposes, he/she shall consult in advance with the relevant resident about the time and period of inspection:
1. Where it is necessary to judge whether the supply regulations pursuant to Article 17 (1) are observed;
 2. Where it is necessary to ascertain whether facilities for use meet the technical standards for integrated energy facilities pursuant to Article 21;
 3. Where it is necessary to ascertain whether there are any grounds to order the improvement or replacement, suspension of or restriction on use of integrated energy facilities, or the suspension of supply pursuant to Article 26 (2);
 4. Where it is necessary for the safety management of facilities for use pursuant to this Act.
- (3) Where it is necessary to ascertain whether a business operator has newly constructed, reconstructed or extended heat production facilities without obtaining a permit or an amended permit under Article 6 (1) or (2), the Minister of Knowledge Economy may have public officials under his/her control gain access to the place of business, and confirm and check the heat production facilities and other things related to the safety management.
- (4) Any person who conducts confirmation and checkups pursuant to paragraphs (1) through (3) shall carry an identification indicating his/her authority and produce it to the persons concerned.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 25 (Inspection of Facilities for Use)

- (1) A business operator shall inspect whether facilities for use meet the technical standards, as prescribed by Ordinance of the Ministry of Knowledge Economy.
- (2) Where a business operator has conducted an inspection under paragraph (1), he/she shall notify the relevant user of the result of such inspection and issue an inspection certificate, as prescribed by Ordinance of the Ministry of Knowledge Economy.
- (3) Where a business operator has conducted an inspection under paragraph (1), he/she shall prepare and keep records thereof, as prescribed by Ordinance of the Ministry of Knowledge Economy.
- (4) The proviso to Article 24 (2) and Article 24 (4) shall apply mutatis mutandis to the inspection pursuant to paragraph (1).

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 26 (Maintenance of Facilities)

- (1) A business operator and user shall maintain integrated energy facilities in accordance with the technical standards.
- (2) Where the Minister of Knowledge Economy deems it necessary to take urgent measures to prevent harm to the public, he/she may order a business operator or user to improve or replace, or to suspend or restrict the use of, such integrated energy facilities or order a business operator to suspend the supply of integrated energy.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 27 (Regulations of Safety Management)

- (1) A business operator shall formulate regulations of safety management in accordance with the standards prescribed by Ordinance of the Ministry of Knowledge Economy for safety management of supply facilities and report them to the Minister of Knowledge Economy before he/she commences business. The same shall also apply in cases where he/she has modified the regulations.
- (2) A business operator and his/her employees shall abide by the regulations of safety management pursuant to paragraph (1).

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 28 Deleted. <by Act No. 5831, Feb. 8, 1999>

CHAPTER VI KOREA DISTRICT HEATING CORPORATION

Article 29 (Establishment of Korea District Heating Corporation)

The Korea District Heating Corporation (hereinafter referred to as the “Corporation”) shall be established to efficiently supply integrated energy for residential districts, commercial districts, etc.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 30 (Legal Personality)

The Corporation shall be a juristic person.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 31 (Matters to be Entered in Articles of Association)

- (1) The matters referred to in the following subparagraphs shall be included in the articles of association of the Corporation:
 1. Objectives;
 2. Name;
 3. Matters regarding the principal office and places of business;
 4. Matters regarding capital;
 5. Matters regarding shares;
 6. Matters regarding executives and employees;
 7. Matters regarding general meetings of shareholders;
 8. Matters regarding the board of directors;
 9. Matters regarding the affairs and the execution thereof;
 10. Matters regarding accounting;
 11. Matters regarding methods of making public notice;
 12. Matters regarding flotation of debentures;
 13. Matters regarding a modification of the articles of association.
- (2) Where the Corporation intends to modify the articles of association, it shall obtain authorization of the Minister of Knowledge Economy.
[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 32 (Capital and Investment)

- (1) The capital of the Corporation shall be two hundred billion won.
- (2) The capital referred to in paragraph (1) shall be invested by the State, a local government, and any person prescribed by Presidential Decree and, if necessary, within the extent not exceeding 1/2 of the capital, shareholders may be invited from the general public as prescribed by the articles of association.
- (3) Investments pursuant to paragraph (2) may be made in kind or in cash.
[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 32-2 (Restrictions on Holding of Shares of Same Person)

- (1) One shareholder and a person in the special relationship with him/her as prescribed by Presidential Decree (hereinafter referred to as "same person") shall neither hold nor have virtual control over shares exceeding the ratio prescribed by the articles of association within 7/100 of the total number of shares issued with voting right of the Corporation.
- (2) Where the same person holds or has virtual control over shares exceeding the limit

prescribed by paragraph (1), he/she shall dispose of the shares exceeding the limit without delay. In such cases, even before he/she disposes of the shares, the extent of exercise of the voting right of the relevant shares shall be restricted to the limit prescribed by paragraph (1).

- (3) Where the same person holds or has virtual control over shares exceeding the ratio prescribed by paragraph (1), the Minister of Knowledge Economy may order such same person to meet the ratio within a fixed period not exceeding six months.
- (4) Cases where the same person holds or has virtual control over shares in paragraphs (1) through (3) shall be based on the virtual relationship between shareholders, notwithstanding the name of shareholders.

[This Article Newly Inserted by Act No. 9933, Jan. 18, 2010]

Article 33 (Shares)

- (1) The capital of the Corporation shall be divided into shares.
- (2) Kinds of shares, an amount of one share, time of issue of shares, the total number of shares to be issued, the amount, time and method of payment of share capital and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 34 (Prohibition of Use of Similar Names)

No person, other than the Corporation under this Act, shall use the name of the Korea District Heating Corporation or any name similar thereto.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 35 (Executives)

- (1) The Corporation shall have not more than nine directors, including one president and one auditor as its executives.
- (2) The directors shall be categorized into standing directors and non-standing directors as prescribed by the articles of association. In such cases, the fixed number of standing directors, including the president, shall be less than 50/100 of the fixed number of directors.
- (3) Of the executives, the term of office of the president shall be three years, the term of office of a director and auditor shall be two years, and they may serve consecutive terms of one year each.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 36 (Appointment of Employees)

- (1) The employees of the Corporation shall be appointed and dismissed by the president, as prescribed by the articles of association.
- (2) The appointment of employees shall be based on the following:
 1. The results of an examination;
 2. Service record;
 3. The actual proof of other abilities.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Articles 37 and 38 Deleted. <by Act No. 9933, Jan. 18, 2010>

Article 39 (Appointment of Representative)

The president may appoint a representative who has the authority to do all judicial or extrajudicial acts in relation to the affairs of the Corporation from among the employees, as prescribed by the articles of association.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 40 (Prohibition of Divulgence of Confidential Information)

No person who is or was an executive or employee of the Corporation shall divulge or misappropriate any confidential information learned in the course of his/her duties.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 41 (Business)

- (1) The Corporation shall conduct the following businesses:
 1. Production, transportation and distribution of integrated energy and other businesses related thereto;
 2. Construction and operation of supply facilities;
 3. New and renewable energy business pursuant to subparagraph 1 of Article 2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy;
 4. Research into and technical development of business related to business referred to in subparagraphs 1 through 3;
 5. Investment in or contribution to business referred to in subparagraphs 1 through 4;
 6. Business incidental to business referred to in subparagraphs 1 through 5;
 7. Other business entrusted by the State or a local government.

- (2) The Corporation may conduct business referred to in paragraph (1) overseas.
- (3) The scope of and institutions subject to investment into or contribution to research and technical development referred to in paragraph (1) 4 and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 42 (Disposal of Profit and Loss)

- (1) In cases where the Corporation makes a profit as a result of settlement of accounts of each business year, it shall dispose of such profit through a resolution of a general meeting of shareholders in the following order:
 1. Making up any loss brought forward;
 2. Accumulation of 1/10 of a profit or more as earned surplus reserve until it reaches 1/2 of the capital;
 3. Accumulation as reserve for business expansion;
 4. Paying dividends to the shareholders;
 5. Earned surplus brought forward.
- (2) In cases where the Corporation makes a loss as a result of settlement of accounts of a business year, it shall make up the loss from reserves for business expansion pursuant to paragraph (1) 3, and, if such reserve fails to make up the loss, it shall make up the loss with the earned surplus reserve pursuant to paragraph (1) 2, and the amount of loss left after making up shall be carried forward to the next business year.
- (3) The earned surplus reserve pursuant to paragraph (1) 2 may be transferred to capital as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 43 (Supervision)

The Minister of Knowledge Economy shall give directions and supervision on the affairs related to the matters referred to in the following subparagraphs for the Corporation to attain its management objectives:

1. Production, transportation and distribution of integrated energy;
2. Construction and operation of supply facilities;
3. Adjustment of the organizational structure and the number of staff members;
4. Compilation of the budget and settlement of accounts;
5. A business plan and the results of business.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 44 (Application of Commercial Act Mutatis Mutandis)

Except as otherwise provided for in this Act and the Act on the Management of Public Institutions, the provisions regarding stock companies of the Commercial Act shall apply mutatis mutandis to the Corporation: Provided, That Article 292 of the Commercial Act shall not apply mutatis mutandis.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 44-2 (Exclusion from Application)

- (1) Where the Corporation has reported the public offering or sales of securities pursuant to Article 119 (1) and (2) of the Financial Investment Services and Capital Markets Act, Articles 32 (2) and 33 shall not apply after the date on which such report comes into effect pursuant to Article 120 (1) of the same Act.
- (2) Where the percentage of shares held by the Government and public institutions of the shares of the Corporation becomes lower than the percentage of shares held by the same person other than the Government and public institutions, Articles 29 through 32, 32-2, 33 through 36, and 39 through 44 shall not apply after the date on which the first general meeting of shareholders is called thereafter.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 45 (Use of Public Land)

- (1) In cases where it is necessary to construct supply facilities on a road, bridge, sewer, river, or bank or on or under other public land, a business operator may use it with permission from the manager thereof within the extent that such use does not interfere with the utility thereof.
- (2) No manager of public land shall refuse the use pursuant to paragraph (1) without justifiable grounds.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 46 (Expropriation and Use of Land)

- (1) In cases where it is necessary for construction of supply facilities or for a field investigation, survey and construction therefor, or for maintenance and repair thereof, a business operator may expropriate or use land or buildings thereon or other things

(hereinafter referred to as “land, etc.”) of a third person or alter or remove plants and other obstacles (hereinafter referred to as “plants, etc.”) of a third person.

- (2) The Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor shall apply mutatis mutandis to procedures, etc., of expropriation, use, alteration, or removal pursuant to paragraph (1).
- (3) Notwithstanding paragraph (2), where a business operator falls under any of the following subparagraphs, he/she may use land, etc., of a third person temporarily or alter or remove plants, etc., of a third person: Provided, That where land, etc., of a third person is being used for residential purposes, he/she shall consult in advance with the residents about the date and period of use:
 1. Temporary use of land, etc., of a third person within 15 days where supply facilities are damaged or likely to be damaged due to a natural disaster or other emergency;
 2. Alteration or removal of plants, etc., where it is deemed that the relevant supply facilities may be damaged substantially or leakage or other disasters may occur by neglecting plants, etc., which are obstacles to the supply facilities.
- (4) In cases where a business operator temporarily uses land, etc., of a third person or alters or removes plants, etc., of a third person pursuant to paragraph (3), he/she shall notify an owner or occupant thereof of such fact without delay.
- (5) In cases where a business operator has inflicted a loss on an owner or occupant of land, etc., due to expropriation, use, alteration, or removal pursuant to paragraph (1) or (3), he/she shall compensate for such loss by applying the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor mutatis mutandis.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 47 (Period of Application for Adjudication by Business Operator)

Notwithstanding Articles 23 (1) and 28 (1) of the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor, in cases where a business operator is unable to enter into an agreement or fails to arrive at an agreement when he/she intends to expropriate or use land, etc., under the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor after obtaining approval of a work plan pursuant to Article 22, he/she may file an application for adjudication on the expropriation or use of land, etc., within the period for commencement of business pursuant to Article 11.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 48 (Relation to the Electric Utility Act)

- (1) Where a business operator has obtained a license or an amended license under Article 9 regarding the supply of electricity under this Act, he/she shall be deemed to have obtained a license for electricity generation business pursuant to Article 7 (1) of the Electric Utility Act.
- (2) The safety management on the installation, maintenance, repair, etc. of electric equipment prescribed by Ordinance of the Ministry of Knowledge Economy among the integrated energy facilities shall be governed by the Electric Utility Act.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 49 (Approval, Permission, etc. Deemed Granted under other Acts)

- (1) When the Minister of Knowledge Economy approves a work plan pursuant to Article 22 (1), with regard to matters concerning permission, authorization, approval, designation, consultation, report, or license (hereinafter referred to as "approval, permission, etc." in this Article) referred to in the following subparagraphs on which the Minister of Knowledge Economy has consulted with the head of the relevant administrative agency pursuant to paragraph (2), a business operator shall be deemed to have been granted the relevant approval, permission, etc.: <Amended by Act No. 10272, Apr. 15, 2010>

1. Permission for occupation or use of the common utility duct pursuant to Article 44-3 (2) of the National Land Planning and Utilization Act, permission for developing pursuant to Article 56 of the same Act, designation of a performer of an urban planning facilities project pursuant to Article 86 of the same Act, and approval of an execution plan pursuant to Article 88 of the same Act;
2. Consultation with the Road Administration Office pursuant to Article 5 of the Road Act or approval thereof, permission to execute road construction works pursuant to Article 34 of the same Act, and permission for occupation and use of a road pursuant to Article 38 (1) of the same Act;
3. Permission for construction of a private road pursuant to Article 4 of the Private Road Act;
4. Authorization of industrial water supply service pursuant to Article 49 of the Water Supply and Waterworks Installation Act and authorization of the installation of private water supply pursuant to Article 52 (1) of the same Act;
5. Permission for occupation and use of public sewers pursuant to Article 24 of the Sewerage Act, and report on the installation of the drainage facilities pursuant to Article 27 of the same Act;

6. Permission to execute river conservation works pursuant to Article 30 (1) of the River Act, authorization of a plan for execution of river conservation work pursuant to Article 30 (5) of the same Act, and a permission for occupation and use or an act in a river zone pursuant to Article 33 (1) of the same Act;
 7. Permission for occupation and use of the public waters pursuant to Article 8 of the Public Waters Management Act and approval or report of an execution plan pursuant to Article 17 of the same Act, and a license to reclaim the public waters pursuant to Article 28 of the same Act and approval of an execution plan of reclamation of the public waters pursuant to Article 38 of the same Act;
 8. Deleted; <by Act No. 10272, Apr. 15, 2010>
 9. Permission for an act in a park zone pursuant to Article 23 (1) of the Natural Parks Act;
 10. Permission for occupation and use of an urban park pursuant to Article 24 (1) of the Act on Urban Parks, Greenbelts, etc. and permission for an act in an urban natural park zone pursuant to the proviso to Article 27 (1) of the same Act;
 11. Permission for diversion of farmland pursuant to Article 34 (1) of the Farmland Act;
 12. Permission for an act in grassland pursuant to Article 21-2 of the Grassland Act;
 13. Permission for access to a restricted and protected area or such, under Article 9 (1) 1 of the Protection of Military Bases and Installations Act and consultation about permission or such, of an administrative agency under Article 13 of the same Act;
 14. Approval of the use of fuel pursuant to Article 9 (5) of the Clean Air Conservation Act;
 15. Permission for an act in an urban development area pursuant to Article 9 (5) of the Urban Development Act;
 16. Permission for small river conservation work pursuant to Article 10 of the Small River Maintenance Act;
 17. Approval for the use other than the purpose of agricultural production infrastructure or water available for use pursuant to Article 23 of the Rearrangement of Agricultural and Fishing Villages Act;
 18. Approval or report of the installation of the waste disposal facilities pursuant to Article 29 (2) of the Wastes Control Act.
- (2) Where the Minister of Knowledge Economy intends to approve a construction work plan of a business operator pursuant to Article 22, he/she shall consult with the head of the administrative agency concerned if the plan includes matters falling under any of the subparagraphs of paragraph (1). In such cases, the head of the administrative agency concerned shall advance his/her opinion within a period prescribed by Presidential

Decree from the date on which he/she receives a request for consultation by the Minister of Knowledge Economy.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 50 (Inspections)

(1) The Minister of Knowledge Economy may, within the extent necessary for enforcing this Act, have a public official under his/her control gain access to an office, a place of business or other place of work of a business operator or a heat producer who concludes a supply contract with the business operator and inspect books, documents and other materials.

(2) Any public official who has access and inspects pursuant to paragraph (1) shall carry an identification indicating his/her authority and produce it to the persons concerned.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 51 (Hearings)

Where the Minister of Knowledge Economy intends to cancel a license pursuant to Article 15 (1), he/she shall hold a hearing.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 52 (Fees)

Any person who intends to be inspected pursuant to Article 23 shall pay a fee, as prescribed by the Minister of the Ministry of Knowledge Economy.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 53 (Delegation and Entrustment of Authority)

The Minister of Knowledge Economy may, as prescribed by Presidential Decree, delegate part of his/her authority under this Act to the Mayor/Do Governor or entrust the Energy Management Corporation established under the Energy Use Rationalization Act with part of his/her authority.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

CHAPTER VIII PENAL PROVISIONS

Article 54 (Penal Provisions)

- (1) Any person who interferes with the smooth supply of integrated energy by destroying or removing supply facilities or causing problems to functions of supply facilities by other methods shall be punished by imprisonment for not less than one year but not more than 10 years.
- (2) Any person who interferes with the smooth supply of integrated energy by manipulating supply facilities without the consent of a business operator shall be punished by imprisonment for not more than five years or by a fine not exceeding 30 million won, or he/she may be punished by such imprisonment and fine simultaneously.
- (3) As a person who engages in business, any person who causes problems to the supply of integrated energy by neglecting the duty for safety management of supply facilities shall be punished pursuant to paragraph (2).
- (4) Any person who kills or injures any other person by doing an act pursuant to paragraphs (1) through (3) shall be punished by imprisonment for a limited term of not less than five years.
- (5) Any attempt to commit an act described in paragraphs (1) and (2) shall be punished.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 55 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding 20 million won:

1. Any person who conducts business without obtaining a license or an amended license under Article 9 (1);
2. Any person who suspends or closes all or part of business without obtaining permission pursuant to Article 14 (1);
3. Any person who contravenes the cancellation of license or the disposition of suspension of business pursuant to Article 15 (1);
4. Any person who violates an order to improve or replace integrated energy facilities or to suspend or restrict the use thereof, or an order to suspend the supply of integrated energy pursuant to Article 26 (3);
5. Any person who violates a corrective order pursuant to Article 32-2 (3).

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 56 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding 10 million won:

1. Any person who newly constructs, reconstructs or extends heat production facilities without obtaining a permit or an amended permit under Article 6 (1) or (2);
2. Any person who fails to construct supply facilities or to commence business, in violation of Article 11 (1);
3. Any person who refuses to supply integrated energy, in violation of Article 16 (1);
4. Any person who refuses to supply heat, in violation of Article 16 (2);
5. Any person who performs construction works without obtaining approval or approval for alteration pursuant to Article 22 (1);
6. Any person who uses supply facilities, in violation of Article 23 (1) or (2).

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 57 (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:

1. Any person who violates an order to reinstate heat production facilities pursuant to Article 6 (4);
2. Any person who supplies integrated energy, in violation of Article 17 (4) or Article 19 (2);
3. Any person who violates an order to improve the business operation method, etc., pursuant to Article 20;
4. Any person who fails to accumulate construction costs of supply facilities, in violation of Article 20-3;
5. Any person who refuses, interferes with, or evades an inspection pursuant to Article 23 (3);
6. Any person who divulges or misappropriates any confidential information, in violation of Article 40.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 58 (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 performs accounting, in violation of Article 20-2 (3);
2. Any person who refuses, interferes with or evades a confirmation and checkup or an inspection pursuant to Article 24 (1) through (3), 25 (1), or 50 (1);
3. Any person who fails to report the regulations of safety management, in violation of Article 27 (1).

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 59 (Joint Penal Provisions)

Where a representative of a corporation or an agent, employee, or other worker of a corporation or individual commits an offense referred to in Article 54 (2), (3), (5) or 55 through 58 with respect to the affairs of such corporation or individual, a fine enumerated in each relevant Article shall be imposed on such corporation or individual in addition to punishing the offender: Provided, That the same shall not apply to cases where the corporation or individual is not negligent in paying due care or supervision to the relevant affairs in order to prevent such violation.

[This Article Wholly Amended by Act No. 9248, Dec. 26, 2008]

Article 60 (Fines for Negligence)

(1) Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding two million won:

1. Any person who fails to submit a report pursuant to Article 12 (3), 17 (1) or 22 (2) or submits any false report;
2. Any person who fails to notify or announce publicly the supply regulations, in violation of Article 17 (3);
3. Any person who uses similar names, in violation of Article 34.

(2) Fines for negligence pursuant to paragraph (1) shall be imposed and collected by the Minister of Knowledge Economy (where the authority is delegated to the Mayor/Do Governor pursuant to Article 53, referring to the Mayor/Do Governor), as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

Article 61 (Legal Fiction of Public Officials in Application of Penal Provisions)

The executives and employees of the Energy Management Corporation who are engaged in the affairs entrusted by the Minister of Knowledge Economy pursuant to Article 53 shall be deemed public officials when Articles 129 through 132 of the Criminal Act are applied.

[This Article Wholly Amended by Act No. 9933, Jan. 18, 2010]

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That

the provisions of Articles 29 through 44 and Articles 6 through 9 of the Addenda shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures with respect to Integrated Energy Supply Plan)

The integrated energy supply plan referred to in Article 38 of the Energy use Rationalization Act as at the time this Act enters into force shall be deemed the master plan referred to in Article 3.

Article 3 (Transitional Measures with respect to Project Managers)

A person who has obtained permission of the heat supply project pursuant to Article 40 of the Energy Use Rationalization Act shall be deemed a project operator referred to in this Act.

Article 4 (Transitional Measures with respect to Dispositions, etc.)

A designation, permission, authorization, approval, report, inspection, consultation, or disposition made for the heat supply project pursuant to the Energy Use Rationalization Act as at the time this Act enters into force shall be deemed a designation, permission, authorization, approval, report, inspection, consultation, or disposition made under this Act.

Article 5 (Transitional Measures with respect to Application of Penal Provisions)

The application of penal provisions to the offenses under the Energy Use Rationalization Act before this Act enters into force shall be governed by such provisions.

Article 6 (Preparation of Incorporation)

- (1) The Minister of Commerce, Industry and Energy shall commission five or less incorporators within one month after this Act enters into force and have them deal with the affairs on the incorporation of the Corporation.
- (2) The incorporators shall draw up the articles of incorporation and obtain authorization from the Minister of Commerce, Industry and Energy.
- (3) In cases where the incorporators obtain the authorization referred to in paragraph (2), they shall, without delay, file for a registration of incorporation of the Corporation by a joint signature and then transfer the business to the president of the Corporation.
- (4) The incorporators shall be recommissioned when the transfer of business is completed.
- (5) The costs incurred in incorporating the Corporation shall be paid by the Corporation.

Article 7 (Transitional Measures with respect to Corporation)

- (1) The Korea District Heating Corporation Co., Ltd. (hereinafter referred to as the "Korea Heating Co., Ltd.") established pursuant to Article 172 of the Commercial Act as at the time this Act enters into force may request the Minister of Commerce, Industry and Energy for the Corporation to be established pursuant to this Act to succeed to all its rights and obligations through a resolution passed at a general meeting of shareholders.
- (2) The Korea Heating Co., Ltd. which has obtained approval by the Minister of Commerce, Industry and Energy by its request referred to in paragraph (1) shall be deemed to have been dissolved upon the establishment of the Corporation, notwithstanding the provisions on the dissolution and liquidation of a stock company in the Commercial Act.

Article 8 (Succession to Property, Right, and Obligation)

- (1) The Corporation shall, by a universal title, succeed to all properties, rights, and obligations of the Korea Heating Co., Ltd. dissolving in accordance with the provision of Article 7 (2) of the Addenda, and the title of Korea Heating Co., Ltd. in the registry concerning properties, rights, and obligations and in other public records shall be deemed the title of the Corporation.
- (2) The equivalent value of properties to which the Corporation succeeds as stipulated in paragraph (1) shall be the book value at the time of succession.

Article 9 (Transitional Measures with respect to Employees)

The employees of the Korea Heating Co., Ltd. as at the time this Act enters into force shall be deemed the employees of the Corporation.

Article 10 Omitted.

Article 11 (Relation to other Acts)

Where other Acts and subordinate statutes cite the Energy Use Rationalization Act or its provisions as at the time this Act enters into force, if the Act includes the corresponding provisions, this Act or the corresponding provisions of this Act shall be deemed to have been cited.

ADDENDA <Act No. 4508, Dec. 2, 1992>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 4541, Mar. 6, 1993>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 4781, Aug. 3, 1994>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5831, Feb. 8, 1999>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
- (2) (Transitional Measures with respect to Application for Authorization of Transfer and Acquisition by Transfer of Projects and Merger of Project Managers) At the time this Act enters into force, an application for the authorization of transfer and acquisition by transfer of projects and the merger of project managers is made under the previous provisions of Article 13, shall be governed by the previous provisions.

- (3) (Transitional Measures with respect to Term of Office of Auditor) Notwithstanding the amended provisions of Article 35 (4), the term of office of the incumbent auditor of the Corporation at the time this Act enters into force, shall be governed by the previous provisions, but the period of in- cumbency shall be reckoned in aggregate.
- (4) (Transitional Measures with respect to Penal Provisions) The application of penal provisions to an act committed before this Act enters into force, shall be governed by the previous provisions.
- (5) Omitted.

ADDENDA <Act No. 6283, Dec. 23, 2000>

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

ADDENDA <Act No. 6601, Jan. 14, 2002>

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- (2) (Applicability concerning Accumulation of Costs for Installation of Supply Facilities)
The amended provisions of Article 20-3 shall apply beginning with the accounting of the first business year that comes to an end after this Act enters into force.
- (3) (Transitional Measures concerning Capital Surplus) Any project manager who is subjected to the accounting standards provided for in the previous provisions of Article 20-2 (3) at the time this Act enters into force shall accumulate the amount equivalent to the depreciation cost accruing from the business year in which the date on which the supply facilities are acquired using the amount borne by users falls among the capital surplus set according to the previous accounting standards as the cost for the installation of supply facilities provided for in the amended provisions of Article 20-3 in performing the accounting in accordance with paragraph (2) of the Addenda.

ADDENDA <Act No. 6627, Jan. 26, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2002.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 6656, Feb. 4, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2003.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 7428, Mar. 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7476, Mar. 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDA <Act No. 7510, May 26, 2005>

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

(2) (Applicability to Legal Fiction of Authorization, Permission, etc.) The amended provisions of Article 49 shall apply starting from the works for which the approval of work plans has been obtained first after the enforcement of this Act.

ADDENDUM <Act No. 7999, Sep. 27, 2006>

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

ADDENDA <Act No. 8014, Sep. 27, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8351, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 15 Omitted.

ADDENDA <Act No. 8352, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

ADDENDA <Act No. 8370, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 20 Omitted.

ADDENDA <Act No. 8371, Apr. 11, 2007>

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. 8404, Apr. 27, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

ADDENDUM <Act No. 8487, May 25, 2007>

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

ADDENDA <Act No. 8635, Aug. 3, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 44 Omitted.

ADDENDA <Act No. 8733, Dec. 21, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8819, Dec. 27, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 8820, Dec. 27, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 9 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. 8863, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 5 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.

ADDENDUM <Act No. 9248, Dec. 26, 2008>

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

ADDENDA <Act No. 9313, Dec. 31, 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. 9758, Jun. 9, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 23 Omitted.

ADDENDA <Act No. 9933, Jan. 18, 2010>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 32-2 and subparagraph 5 of Article 55 shall enter into force on the date of its promulgation.
- (2) (Special Cases concerning Restrictions on Holding of Shares of Same Person) The amended provisions of Article 32-2 (1) through (3) shall not apply to any person who holds shares of the Corporation in excess of the limit pursuant to the amended provisions of Article 32-2 (1) as at the time Article 32-2 enters into force pursuant to the proviso to paragraph (1) of the Addenda.

ADDENDA <Act No. 10219, Mar. 31, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2011.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 10272, Apr. 15, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.